



THE REPUBLIC OF UGANDA

IN THE PARLIAMENT OF UGANDA

Official Report of The Proceedings of Parliament

FIFTH SESSION - 19TH SITTING - FIRST MEETING

Thursday, 7 July 2005

Parliament met at 10.25 a.m. in Parliament House, Kampala.

PRAYERS

(The Speaker, Mr Edward Ssekandi, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Honourable members, I welcome you and I thank you for what you were able to do yesterday. But again, as I said yesterday, we have to be diligent so that we can deal with constitutional matters, the Budget and other related matters. That is why we decided to sit in the mornings and afternoon. Cabinet has also decided to suspend their meetings on Wednesdays so that we can push on with this work, which the country expects us to do as soon as possible.

Yesterday we were on some Article, which caused some – I think overnight you must have read and compared what is in the Constitution and what is being proposed in the Bill to see what is better. The idea of adjourning was to enable you consider this matter. I do not know whether you have something to say before we decide which way we to go.

10.27

MR ODONGA OTTO (Aruu, County, Pader): Thank you very much, Mr Speaker. I want to seek your guidance on two issues.

THE PRIME MINISTER (Prof. Apolo Nsibambi): Sorry, I want to apologise because you raised a question and I want to point out that the Attorney-General has got a suggestion but unfortunately, he is not here. I am going to ring the Police, I hope he does not have a problem, because he should have been here right away and I thank you hon. Oulanyah because you are here. I do not know whether you have talked to him but when I met him this morning he had a suggestion. By the time we dispose of statements of hon. Otto and others, he will be here. I thank you, Mr Speaker.

MR ODONGA OTTO: Mr Speaker, I want to seek your guidance on two issues. I thank you for giving me this opportunity. I was a Member of the Committee on Legal and Parliamentary Affairs but I want to know if this could be the appropriate opportunity to bring amendments to change the name of the country from Uganda to other options. I do not know if it is something, which would be within the domain of the Executive, or I can bring an amendment as a Member of Parliament?

I am sorry I missed that opportunity during the meetings of the committee on Legal and Parliamentary Affairs but the name “Uganda” is almost now synonymous with Buganda and when you travel for international seminars, you might have to take ten minutes explaining to people how they are similar, but they are not related. (*Laughter*) So I was thinking of bringing an amendment with several options of other names, like the Nile Republic, or any other thing. I seek your guidance on that.

Secondly, I have been following very closely the current campaigns on the referendum and the symbol of the house and that of the tree are not in any way providing a fair ground for the campaigns. As I talk now, I am surprised that a random sampling in town will find that people are saying, “We cannot sleep under trees, we would rather sleep in the house,” and the campaign is going on country wide that, “If you mess around you will sleep in the bush, so you vote for the house.” I know it is becoming a little late but it could have been appropriate to reconsider changing the symbols again because it is not a fair competition for people to contrast a tree and a house. I do not know how to go about this but I see the Leader of Government Business is also here. Thank you, Mr Speaker.

THE SPEAKER: To answer the first one, the one of amending the name “Uganda”, if it is part of the Constitution and you follow the procedure laid down in the Constitution, you can effect any amendment to it. As long as the procedure is followed, whether it is good or not, that one I do not know, but I am only saying that the Constitution gives us the mandate to change it in any way.

CAPT. BYARUHANGA: Further to that, I also request the Leader of Government Business to tell us the relationship between the House, the dry banana leaves and the yellow bus, because some of those who are going to campaign for the “no” symbol are traveling in the yellow bus. We want to know how they are related.

Secondly, I want the Minister of Education at some point, to tell us: we heard press reports that they have banned the decision making powers of the PTAs in schools. We would like to know more details about the banning of PTA decision-making in schools.

THE SPEAKER: Are you suggesting that the yellow is exclusively owned by one party or the other?

CAPT. BYARUHANGA: Mr Speaker, I am specifically talking about the yellow bus because the yellow Movement bus people campaigning for the “no” symbol are putting on dry banana leaves and they are traveling in the yellow bus campaigning for the “no”.

THE SPEAKER: I do not know who is going to answer that any way.

PROF. NSIBAMBI: First of all I would like to point out – sorry to ask a question but are they offending the law of the land? If you carry out any activity, which does not offend the law of the land, it is okay. But you may carry out an activity, which is imprudent and if it is injurious and

imprudent then appropriate action will be taken and I would like to confirm to you, because you have been vague, if you had been specific I would have given you a specific answer.

CAPT. BYARUHANGA: Mr Speaker, the Prime Minister should tell us whether political assistants of ministers are civil servants because political assistant of hon. Mike Mukula was addressing a rally at Clock Tower campaigning for the “no” symbol and I want to know actually whether there is collective responsibility among you and whether the Government is serious in the exercise we are doing about the referendum or it is just a sham.

PROF. NSIBAMBI: There is a sector minister; we have the Minister of Public Service. If I try to answer everything, then I would collapse. You see, I am a professional and do not want to deal with matters of the ministries when there is a sector minister. That is the first point to make.

MR KIZIGE: I thank you, Rt hon. Prime Minister for giving way. To the best of my knowledge Mr Mugisha Mondo is a political aide to the Minister of State for Health, General Duties. He is not a political assistant, he is not a civil servant; he is not on the pay roll of the Government.

MR MAFABI: Thank you, Mr Speaker. We need some help here. What is the difference between a political assistant and a political aide and if there is a difference, who pays who? Is the assistant paid by the Government of Uganda and the aide not paid by the government of?

MR SEBULIBA MUTUMBA: Mr Speaker, some time last week hon. Ben Wacha raised a point directed to the Prime Minister regarding some people who are being registered and coerced to the Movement. They are being told that, “If you do not get this card, then you will not be allowed to access services of the Government. At the same time, it will act as your graduated tax ticket or even a national identity card”. The clarification I am seeking is how far has the Prime Minister gone? Already we have got reports and I have got a report in my vehicle, I can lay it on Table later, where again people are complaining.

Here we are in a referendum but people are being coerced, they are getting the registers, they are ticking all the names and they are saying “All these belong to the NRM/O”. I do not know how far the Prime Minister has gone into rectifying this one because it is bringing a lot of confusion. If I bring somebody’s letters and lay them on the Table later, he will see that the thing is getting out of hand. So, I want to know how far he has gone with Ben Wacha’s case and even this one where people are getting registers. They have been reported in Nakasongola. It is going to throw the whole thing into chaos.

THE SPEAKER: The only problem I see with this issue is whether such an issue can be answered by – are they not political parties doing this? That presents a problem but I do not know. The Prime Minister may be able to answer because these are political activities. How does a Minister of Government answer those things?

PROF. NSIBAMBI: Thank you, Mr Speaker. I take your cue but with regard to the matter, which was raised by hon. Ben Wacha, I did ask him to present hard evidence and he did write to me. Unfortunately, we do not reveal names of wrong doers, but I still did ask the NPC to investigate this matter, working with other organs of the state to ensure that the matter is investigated, to be able to inform you of the outcome of his investigation, because that was a very serious matter. But of course people will be making all sorts of statements and at that rate we may do no work here. If I feel I am tired I can go and manufacture a statement, then it is picked. We have to be careful. We have a serious agenda.

DR EPETAIT: Thank you very much, hon. Prime Minister for giving way. At 9.00 a.m. today I was listening to WBS news on television and this is not a concoction of any sort. The matter is very vivid. In fact Kawempe is the worst hit. If you are talking about evidence, there is abundant evidence and I think we would help you to get these things on the ground before the end of today and we hope we shall, as usual, expect your prompt action.

THE SPEAKER: Without participating in your debate, what I really suggest is that it is high time we had a code to regulate the activities of the parties. (*Applause*) Those people who are doing those things may say “no, you have no concern with me, I am not working for the Government. I am not a public servant; you cannot stop me. But if we have a code, then we may be able to follow this. Currently we do not have a code and, therefore, parties may do anything without being brought to book. This is my humble advice really.

MR EKANYA: Mr Speaker, with your guidance, could you, therefore, ask the Minister of Justice to give us a time frame when we should present a code for political parties? People are being told that if they do not get this card they will not participate in the voting of the referendum. So, it is a very serious matter that will affect the transitional process. The Minister of Justice should give us a time frame in which he will present a code here. Thank you.

MS ALASO: Thank you, Mr Speaker. Along with the code of conduct of political parties, the urgent thing that we really have to do is to carry out genuine and concerted civic education in this country. The mix up is coming because people do not even understand what they should be having as identity for political parties, their membership or their allegiance. At the same time, they do not even seem to understand their rights as citizens of this country. So, I think part of the call should really go to the Minister of Justice, to tell us how far the civic education in this country is going and what nature it is taking. I guess that will help us save the situation.

MR MIKE SEBALU: Thank you very much, Mr Speaker. I definitely agree with the aspect of civic education. A lot of activity is going on out there in the population, but it must also be observed that there are also politicians who do not seem to be doing a good job in mobilising support in the countryside. They have made it their work to discredit those that have gone out to recruit members. It must be recorded that people, who are not doing a good job out there, out of fear of the massive support that is being mobilised, would like to discredit that. We should also take note of them. May be they also need civic education.

MR MBALIBULHA: Thank you very much, Mr Speaker, and honourable members. I want the Leader of Government Business to clarify the fact that one year ago the Government decided to invite political parties and organisations and they had some sort of talks. My party, after realising that this was *Katamba* – comedy decided not to participate. Despite that, the talks went on. Can we be informed about the outcome of these talks? They were supposed to come up with an understanding and what we see right now is totally, politically confusing.

MR PETER LOKERIS: Honourable colleague, I participated in these talks and I remember the NPC presented a brief of those talks on the Floor of the House. So, I wonder why you are still asking the same when a report was given to this House?

MR KIBANZANGA: It was a brief. I wanted a comprehensive one *-(Laughter)-* so that we can also add our input and to see how we can regulate political activities in this country. What we are seeing today is total, ideological, political confusion and it may result into another problem. You remember UPC Kizige?

THE SPEAKER: No, Let this matter end –(Interruption)

MR AACHILLA: I thank you, Mr Speaker. I am seeking your guidance on how different party leaders go out. Last week hon. Otto and a group went to Karamoja region. When they reached there they were abusing us, all Members of Parliament from Karamoja were abused personally and they said we are doing nothing. In case of such provocation in Karamoja, supposing we also abuse them, what would be the outcome, which we are about to do when they go there next time?

MR OLUM: Thank you, Mr Speaker. I have just come from Nwoya. I toured all the four sub-counties in my area and I found exactly the same thing, which is happening in other parts of Uganda. There are some people who are going around in the camps telling our people that if they do not get the NRM card, they will be arrested as rebels and they will be denied food in the camps. This is a very serious matter because our people are already traumatized. They do not need this kind of threat and intimidation. It is very important for the Government to come up with a code of conduct of how political parties should behave. It will do our people a lot of good and I hope that the Prime Minister will take this matter very seriously so that we do not get the anarchy, which existed in the 60s and in the 80s.

We need to control the party activities so that people are exposed to ideologies and policies and they should choose at their free will rather than being intimidated. Otherwise, we are not going to have free and fair elections, which is going to damage this upcoming and developing democracy.

DR OKULO EPAK: Mr Speaker, I agree with my colleagues that we need a code of conduct but this is for very high-level party bureaucracies. What is important is to create awareness and a sense of civil responsibility among the citizenry as far low as possible. The most important thing - although my honourable colleague Sebalu with whom I share a lot of good ideas wants to laugh at the idea of civic education - civic education is mandatory.

I suggest that for the moment, the most urgent requirement is that the Committee on Legal and Parliamentary Affairs should summon the Electoral Commission, which has the responsibility for conducting civic education, to come and demand a programme on how they are going to do it. Otherwise code of conduct is too high a level for the ordinary people down there to understand and appreciate how they should behave.

On the question of cards hon. Sebalu, do not be taken by these stories that you are doing very well, please do not. Let me advise you in a very genuine way. The other day I was reading in the papers that Mutale addressed people in Minakul, he addressed people in Kamdini and in Loro. I was physically there and Mutale never addressed - nothing. They went and slept in a primary school in Kamdini, they arrived in Kamdini at 10.00 O'clock, played loud music with a band hoping that they would attract people and not a single soul went there. In fact the most interesting thing is that for one of their mobilisers when he wanted to enter the bus or talk to them in the bus in the morning, he was rewarded with a very big slap and the man went staggering. The other information is that actually –(Interruption)

MR MIKE SEBALU: The information I would like to give my good friend is that we are mobilising under the NRM and Kakooza Mutale now is mobilising against NRM. He did not get the people because the NRM people could not go there.

DR EPAK: Thank you for the information. But you can see the confusion. Who now is the mobiliser at the grassroots to whom? Is it for the NRM or for the Movement? Let us be a little more serious and humble than this. We are talking about the same people. All these cards are

coming back and I have a huge number of them. I do not want to go into this childish idea of saying, “Oh, so many people have crossed and we are now burning cards”. It is not the idea. The idea is that we must be honest and conduct ourselves in a genuine way.

BILLS
COMMITTEE STAGE

THE CONSTITUTION (AMENDMENT NO. 3) BILL, 2005

10.55

Clause 19

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS/ATTORNEY-GENERAL (Dr. Khiddu Makubuya): Thank you very much, Mr Chairman. I request that we stand over clause 19 for the time being. I am undertaking some consultations on the matter; we can take it up a little bit later.

THE CHAIRMAN: Stood over.

Clause 20

MR WANDERA: Mr Chairman, I accept the principle that some elections may be exempted from secret ballot but the way it is here, Parliamentary elections could also be held in the open. So, I would like to propose that we add, “except Parliamentary and presidential elections”.

THE CHAIRMAN: Do you anticipate Parliament to say that Parliamentary elections are exempted from secret ballot?

MR WANDERA: Mr Chairman, two years ago I never anticipated that we would be voting by roll call. This Parliament is in history for having passed a Constitution it had not read. So, anything is possible in this Parliament.

THE CHAIRMAN: Honourable members, I seek for clarity. Is he saying except Parliamentary and presidential but you can exempt others? That is what he is saying. Can you make the formulation you want?

MR WANDERA: “Parliament may by law exempt any public election from the requirements of clause (1) that shall be held by secret ballot except that no exemption under this clause shall be made in respect of the Presidential and Parliamentary elections.” I beg to move, Mr Chairman.

THE CHAIRMAN: Why can’t you say, “public elections save parliamentary and presidential...?” Maybe you can consider that?

MR WANDERA: Nothing can be wiser than that, Mr Chairman.

THE CHAIRMAN: Honourable members, you have heard the improvement by hon. Wandera that at least we become express in as far as Parliamentary and Presidential elections that they cannot be exempted from provisions of clause 1. That is his proposed amendment.

MS NAMUSOKE: Mr Chairman, I agree with hon. Wandera. We need to take care of a certain level of local council elections because that is where the biggest number of people being elected

is. I want to propose that district local council elections also be included so that whatever has to come thereafter should be the ones that fall under the exemption of secret ballot.

THE CHAIRMAN: Do we need time for somebody to draft something final –(*Interruption*)

MR MWANDHA: Mr Chairman, I fail to understand the rationale for the particular amendment. I cannot imagine public elections being conducted other than by secret ballot. Maybe the minister can explain to the House as to the intention of this particular provision even before we consider the amendments. What level should this be? I am aware that you would like elections to be conducted by secret ballot at LC I. When you say that certain people will be exempted, I do not know what kind of people are involved in public elections that the minister has in mind that should be exempted from secret ballot.

PROF. KABWEGYERE: Mr Chairman, the experience we have had with lining up in this country did not produce wrong results. There was no enmity; we actually run a cheap system. We have now chosen to use secret ballot, a very expensive system that we cannot run effectively. We have over 500,000 LC I's. If you are talking of secret ballot the entire budget of this country will be spent on that election alone. So, providing for some elections that can be handled without having to go through the secret ballot makes a lot of sense –(*Interjection*)– let me first make my point. I will take your information.

Hypothetical studies seem to show that secret ballot actually applies successfully in highly individualised societies. We all know here as Members of Parliament that after voting when people are walking back home they say, "I have voted for Kabwegyere; he was my candidate." So secrecy really is something we are imposing on our society. However, I am ready to say that at certain levels of elections we can have the secret ballot.

There are so many elections that we are undertaking in local governments. If we insist that every election at the local government level goes under secret ballot, you will sit here and pass a budget for elections and you will not have enough money to run those elections. So, there is a reality we must face at this historical point in time. Let us adopt those systems that work for us and not those that are modelled to fit other societies. I can take the information.

MS NAMUSOKE: I thank the honourable minister. I want to remind him that during the Sixth Parliament, the elections that followed, LC Is were elected under the open voting system. We noted in this House that there was a lot of intimidation. Women were beaten and chased from their homes because they did not vote for the candidates that their husbands wanted. At that time the argument was, "democracy is expensive". We wanted our people to vote in a secret way that is why we went for secret ballot.

I can understand the minister's argument that it is a very expensive exercise but surely if we leave this amendment so open like my brother hon. Wandera said, we will wake up one day, the way things are going, only to be told that we are going to vote openly at any levels. If we are going into a Multi-party system that is even more dangerous and we expect people to line up behind certain candidates in a Multi-party system and at whatever level, it is not going to be a safe way of voting. I really think we should maintain the secret ballot may be at LC I, but I do not think even there it is safe. Certainly it is not safe for many women. I thank you.

PROF. KABWEGYERE: I think that was more of a contribution than information. It is also true that where we have insisted on having a photograph for every candidate, we are not yet there effectively. But what is said here is that there is room because the issue of women being beaten

up can be studied to see the extent to which this happened. I did a study myself, which was published in 2000, going back to all the elections, and there was one case in Bundibugyo where a woman had a problem with her husband. Her husband stood for every seat except for the woman's seat and lost, but when the woman stood, she won. This is the only case I know. As far as I am concerned, this clause as it is leaves Parliament in its wisdom to guide the country because we are talking about guiding the country within our means.

MR NANDALA: Mr Minister, you might be right to say that you heard only one case but there are very many cases, which have taken place. In fact as you know a lot of domestic violence does not come out in public. Men have beaten women but women have also beaten men - *(Interjections)*- yes, recently when we were passing the motion for the referendum we said that democracy is not expensive irrespective of the manner. Likewise, elections, which take five years or four years or whatever, we can really save money for the four years and be able to conduct elections in a secret way.

I want to move an amendment at this juncture that we delete this and retain what has been there. The only way to save all Ugandans from beating or intimidation will be with secret voting. Thank you.

THE CHAIRMAN: Honourable members, there is an amendment to this particular provision. The amendment is to delete. I now take the vote on that particular amendment.

MR MWANDHA: I think it is fair that members have an opportunity to discuss this matter more. I cannot see how this lining up can work in a Multi-party system; it cannot work. We are going to pass a law, which is going to create terrible conflicts in this country where families and societies will be at each other's throats. We can do this by simply voting and then cause chaos in the country.

THE CHAIRMAN: Honourable member, the amendment is to delete and, therefore, your fear does not arise. Let us deal with the amendment, which is for deletion. The purpose of the amendment by hon. Mafabi is that you cannot exempt public elections from secret ballot. The vote is on the proposed amendment to delete.

(The Members voted by a show of hands_)

THE CHAIRMAN: The position is as follows: abstentions - 1, those for are 37, and those against are 62. So the proposed amendment is lost. *(Applause)*

(Question negatived.)

DR MAKUBUYA: Mr Chairman, I must thank the honourable members for appreciating the nature and circumstances in which we operate. We can legislate and make democracy too expensive and impractical, and so we need this amendment except that -*(Interruptions)*

THE CHAIRMAN: No, we still have an amendment.

DR MAKUBUYA: Oh, I agree with hon. Martin Wandera that at least Presidential and Parliamentary elections should not be subject to another system other than the secret ballot. Presidential and Parliamentary elections should have secret ballot forever.

MR KASIGWA: Thank you, Mr Chairman. I propose that we expand hon. Wandera's amendment to include the region, district, municipality and divisions.

DR MAKUBUYA: That is why I would like to recommend to my honourable colleagues to look at this amendment very carefully. It says, "Parliament may by law exempt any public election from the requirements of clause (1) that it shall be held by secret ballot". We are giving Parliament power. I am conceding that where it is Presidential and Parliamentary elections, those must always be by secret ballot but for other public elections we are giving Parliament power to examine and see whether it can exempt them. The rest of public elections can be examined on individual circumstances and we see whether we need to spend on secret ballot to get the chairman of LC I or not.

MR KASIGWA: Thank you, Mr Chairman. With due respect to the Attorney-General, we are going into the Multi-party dispensation. The other day when the President was addressing us here, he did crack a joke that they should expand this side of Parliament, meaning that probably his party will have a lot more members in this House. So, if we are going to say that there is a possibility of having district elections in the open, this is outright intimidation. Certainly it will sail through because the ruling party will have the majority. We should be careful with this one.

THE CHAIRMAN: What is your proposal, hon. Kasigwa?

MR KASIGWA: My proposal is that we should include the regional elections, the district elections, municipality elections, divisions and sub-counties.

MR WANDERA: Thank you very much, Mr Chairman. This is the proposal: "Parliament may by law exempt any public elections other than Presidential or Parliamentary elections from the requirements of clause (1) that it shall be held by secret ballot." The reason is that indirect elections are a possibility in the local governments.

I have discovered, Mr Chairman that we have over politicised service delivery in the districts. Instead of LC IIIs concentrating on implementing government programmes, they are busy servicing their electorates. There is evidence that when councils were indirectly elected, they did some good work and they had more serious people. So the way the clause is, it is not mandatory that the elections there will be by open voting, but it is being left to the discretion of Parliament. For example, the regions are not yet approved by this Parliament so we cannot approve them. So I request my honourable members to support this amendment.

THE CHAIRMAN: Okay, let us vote on hon. Wandera's amendment, which is supported by the Attorney-General.

(The Members voted by a show of hands.)

THE CHAIRMAN: Honourable members, the position is as follows: abstentions are six, those against are nine, and those for are 181. The ayes have it. Thank you very much.

(Question agreed to.)

Clause 20, as amended, agreed to.

Clause 21

DR MAKUBUYA: Mr Chairman, before clause 21 I wish to move an amendment to Article 71 so that the present Article 71 becomes Article 71(1) and I introduce a new Article 71(2) in the following terms –(*Interruption*)

THE CHAIRMAN: You mean a separate Article?

DR MAKUBUYA: No, Sir. The entire Article 71 becomes Article 71(a).

MR WANDERA: I do not know which clause that is. We do not have any written notification to that effect. I request that the minister circulates it if we are to move together with him.

DR MAKUBUYA: Mr Chairman, I agree I will circulate the amendment.

MRS MWESIGYE: Thank you, Mr Chairman. I would like your guidance at this point. Do we only accept amendments that have been circulated before or amendments could come from the Floor? Members here have been moving amendments, and we would like your guidance on this matter.

THE CHAIRMAN: Let us address this particular issue. Has the minister just thought about this amendment or he thought about it some time back? If he did then I think he should have given us notice. In any case this is his Bill, let us give members an opportunity to look at the amendment. So, it will not be an issue to be stood over because it is not there. We shall consider it at an appropriate time.

MR OULANYAH: Mr Chairman, on clause 21 the committee is proposing to delete the proposed amendment to the marginal note contained in (a). The justification is that the amendment is absolutely unnecessary.

THE CHAIRMAN: I had looked at this particular clause itself, which is dealing with Article 72. We see in the proposed amendment in the Bill there is (b); and I have looked at Article 72 as it is in the Constitution. There is no Article 72(4) so you cannot substitute something, which is not there. You can create a new one but it is not substituting. Maybe the formulation may be changed before we really consider it.

DR MAKUBUYA: Mr Chairman, you are quite right. The present Article 72 stops at clause (3). Therefore, there is no sub-clause (4) to substitute. First of all, I agree with the committee that you we need to amend the marginal note.

Secondly, I beg to delete (4) and (5) and substitute them with (4). In Article 72 I have accepted the recommendation of the committee on (a). I also accept that there is nothing to substitute because there is no (4), but at the same time the present (b) includes (4) and (5).

I propose that I drop sub-clauses (4) and (5) and replace them with sub-clause (4), which reads: “Subject to this Article, Parliament shall by law regulate the manner of participation and financing of elections by individuals seeking political office as independent candidates.” I beg to move.

THE CHAIRMAN: Let us deal with the amendment of the committee, which is to delete clause 21 and we move with the minister’s amendment.

(The Members voted by a show of hands_)

THE CHAIRMAN: Honourable members, the position is: abstentions – nil, those against – nil, and those for are 146. The ayes have it.

(Question agreed to.)

THE CHAIRMAN: So the provision is deleted. Can we proceed with the minister's -
(Interruption)

MR LUKYAMUZI: Under clause 21, if the minister is proposing to delete (4) and (5), wouldn't a subsequent provision necessitate notice?

THE CHAIRMAN: Can we proceed, hon. Lukyamuzi? Does it do any harm? Have you understood the purpose of the amendment?

MR LUKYAMUZI: I have; but the procedure is wrong.

THE CHAIRMAN: He was – but let us proceed honourable members. Can we contribute to his amendment?

MR NANDALA: Thank you very much, Mr Chairman. Well, the minister is right. He is just combining (4) and (5) to come up with (4), but I would be very comfortable because already the Constitution says in Article 72(3) that; *“Parliament shall by law regulate the financing and functioning of political organisations.”* I suggest that it should continue from there and the participation and financing of individuals seeking political offices and independent persons, because it is already Parliament. I am saying it should just be (3), but a continuation of that. I beg to move.

DR EPETAIT: Thank you very much, Mr Chairman. If you look at the marginal note of Article 72, it is talking about the right to form political organisations. Sub-clauses (1), (2) and (3) are talking about political organisations. The proposed amendment of the Attorney-General is talking about elections, which are going in tandem with the other clauses. Would it not require us to separate them so that it is an Article of its own, talking about eligibility of a candidate to stand as an independent or if not, can we look at Article 72, which is talking about laws on elections?

My observation is that if we included that amendment under Article 72 and if you look at Article 76, the marginal note is talking about laws on elections. So that amendment moved by the Attorney-General is talking about eligibility of a candidate to stand as an independent and this is more of an election process than a political organisation. I do not know whether you see my advent.

MR OULANYAH: Thank you, Mr Chairman and honourable member for raising the point. The committee considered this but came to the conclusion that that is providing an exception to the right to form political parties. It was for a particular individual who does not want to belong to a political organisation; who must not be denied his right to contest the office of Parliament. So it can fall within creating an exception to the same situation.

MS NAMUSOKE: Mr Chairman, I am seeking guidance from the Attorney-General on why he thinks (4) should be deleted. The amendment he is bringing is more or less what is in (5). I do not seem to see (4) being catered for because it is important that it is mentioned and that people can stand as independents. So I am seeking guidance from the Attorney-General.

THE CHAIRMAN: Is it not clear here in your Bill? First of all you ascertain whether a person can stand as an independent. Then (2) deals with controlling and financing of his activities. Why do you - I do not know - is it not clear?

DR TUMWESIGYE: Mr Chairman, I also do not see what we lose by leaving (4) and (5) in this Article particularly due to the fact that the marginal note is talking about the right to form political organisations. Sub-clauses (1), (2) and (3) deal with political organisations but now you want to bring in the concept of an individual or independent candidate. I do not think we lose much by leaving in (4) to introduce that and then put in (5) to talk about Parliament enacting the law to actualise that. I do not think there is anything that we lose by leaving both (4) and (5) here.

DR OKULO EPAK: Maybe the remark has already been made - I think the Bill using “substituting clause (4)” is wrong. We should be saying, “add clauses (4) and (5)”, because we are having (4) and (5).

As to whether this is the right home for it, it is neither here nor there because an independent person is almost his own political organisation; except that it is formulated in combination that this independent person, one-man or woman party comes only at elections and that is the problem. That is why the concept is neither here nor there. It could be accommodated here for all purposes because it is basically a one-man, one-woman party. Thank you, Mr Chairman.

MR WILLIAM NSUBUGA: Thank you, Mr Chairman. I think it is very important that we do not delete this Article. I was even hoping that we could put some additions to it because very often people, especially where it is clarified better, should know whether it is possible for someone to stand as an independent candidate. This is in the event that out of malice or for any other reason one is not nominated by any party. For example it is very likely that some people could assume that a party would support them and then they are ruled out of- (*Interjections*)- you know that. Someone can come to Kampala and recommend that a person - (*Interruption*)

THE CHAIRMAN: Let us get the position of the honourable minister. Do you really – (*Interruption*)

DR MAKUBUYA: I would like to thank my honourable colleagues for their contributions. My position is that we should introduce (4) as it is in the Bill, and we introduce (5) as it is in the Bill. I beg to move.

THE CHAIRMAN: So the position is as it is. We are not substituting but introducing new clauses to the Article.

MR NSAMBU: Mr Chairman, I would like the Attorney-General to clarify better and settle some matters, which are realistic today. Under this Article 4, where is it clarified that if I am nominated –(*Interruptions*)

THE CHAIRMAN: Honourable member, those are personal decisions. We are dealing with a principle here, a principle of a person standing as an independent. We do not consider circumstances prompting him to stand.

MR KATUNTU: Thank you very much. Mr Chairman, would the Attorney-General consider having 72(3) combined with 72(5). Do we need different laws to regulate independent candidates

and another law regulating parties, or we can have both in one law? Maybe he could consider having Article 72(3) and (5) combined and we have one law.

MR KAWANGA: Now that the Attorney-General wants these clauses retained and since 72 deals with political organisations, could it not be better for the Attorney-General to put these clauses under 76, which is general, and not Parliament to enact laws on elections? Put these ones as (2) and (3) rather than leaving them under political organizations when actually you are creating a situation of independence apart from political organisation.

THE CHAIRMAN: Hon. Kawanga, you mean that even the proposed new clause (4) should go to Article 76?

MR KAWANGA: That is what I am proposing.

MR LUKYAMUZI: Mr Chairman, I need clarification from the Attorney-General with reference to clause (5), which says that “Parliament shall by law regulate the manner or participation in any financing of election”. Why should he assume that possible abuse of finance is only associated with independent candidates?

THE CHAIRMAN: Hon. Lukyamuzi, that is why hon. Katuntu thinks that if you combine the present clauses (3) and (4) you would address all the issues including those of the parties and individuals.

MR LUKYAMUZI: Okay, then I would go with that position if we can amend it.

MR ODONGA OTTO: Mr Chairman, I remember in our committee we took a lot of time saying that when a person would be an independent candidate, but I do not see it appearing in the recommendations given by the chairman.

THE CHAIRMAN: No, hon. Otto, the choice is mine; you do not have to tell me. If there are elections and dependence is allowed, I come and stand. Do you have to give me conditions, when I stand? If I do not want parties but I think I am capable of representing my people and my people can elect me, do you have to tell me that this must be fulfilled?”

MR ODONGA OTTO: Mr Chairman, in the committee we had resolved that if you lose in the party you couldn't be an independent candidate. I thought that should have appeared in the committee report.

MR OULANYAH: Thank you, Mr Chairman. It is true that is what the committee deliberated upon but we also agreed that that could be contained in the Act of Parliament dealing with that situation.

THE CHAIRMAN: Now Attorney-General, there was a matter raised by hon. Katuntu, have you thought about it?

MR MBABAZI: Thank you. Hon. Katuntu's proposal sounded reasonable and so did hon. John Kawanga's. My suggestion is that since this requires redrafting, we give the Attorney-General and his opposers time to agree on a common draft. Thank you.

THE CHAIRMAN: I think that is okay.

MRS MUKWAYA: Mr Chairman, I just want to understand before we reconsider this redrafting. My understanding is that because the Constitution allows you to associate, it also allows you to disassociate. Individuals may decide not to associate with parties but are eligible to compete in a Multi-party arrangement. I think that is what we are trying to create. This is a Multi-party arrangement, but I could compete as an independent candidate. When you look at Article 83(1) (g), that is where we are trying to make it operational in a Multi-party arrangement. If you want to stand as an independent, you need not, right from the beginning, belong to a party. That is my understanding of that.

THE CHAIRMAN: No. But hon. Otto said that if you are not nominated by your party simply because you have not been nominated, you cannot stand as an independent. Are you saying that a person cannot leave his party and decide to stand as an independent? Must you tie me to my history?

MRS MUKWAYA: But are we also legislating against anarchy in Multi-partism? You have already endorsed yourself because if you go for the primaries you belong to a party X but because you have not been nominated in the primaries, you cross to others. We should not legislate for anarchy.

CAPT. BYARUHANGA: Mr Chairman, Article 83 is talking about the tenure of office of Members of Parliament. It is not talking about the guarantee of an individual to stand as an independent candidate.

THE CHAIRMAN: What we should do, as hon. Mbabazi suggested, is to give time to the Attorney-General and other members to draft something that we shall consider later in the day and then we see how to dispose of this. Therefore, it means that we proceed to another clause to give ourselves time to think about it.

MR KABAREEBE: Thank you very much, Mr Chairman. I thought that in order to avoid that fiasco, the Electoral Commission should nominate a person to stand as an independent candidate earlier, before the primary elections.

MR WACHA: Mr Chairman, I would want us to persuade the Attorney-General that this is a matter of an electoral law and it is really not a constitutional matter. I think we should reserve it and put it in the electoral law when we are making the laws because if we put it in the Constitution, how much more are we going to put in the Constitution? That is my thinking but since we are standing it over maybe we can –(*Interruption*)

THE CHAIRMAN: We are standing it over and then they will come back and report.

Clause 22

MR WANDERA: Mr Chairman, I propose a minor amendment under Article 108(5) that the words “subject to this Constitution” be deleted because I see no reason why the term of Parliament should be subjected to any other Article of the Constitution. The reason is that the tenure of Members of Parliament, that is, five years, should be guaranteed. I am also not aware of which particular clause that –(*Interruption*)

THE CHAIRMAN: There is a provision in the Constitution, which says that during a state of emergency the term can be extended beyond five years. So that is part of the Constitution, one of the conditions subject to it. Let me now put the question. We shall use the roll call.

(Question put)

AYES:

1. AACHILLA JOHN ROBERTS
2. AANIMU ANGUPALE
3. ABURA PIRIR SAMUEL
4. AEL ARK LODOU
5. AGARD DIDI
6. AHABWE GODFREY PEREZ
7. AKAKI AYUMU JOVINO
8. AKECH OKULLO BETTY
9. ALASO ASIANUT ALICE
10. ALI MOSES
11. ALISEMERA BABIHA JANE
12. ALONGA OTHMAN HARUNA
13. AMAJO MARY MAGDALENE ORIEKOT
14. AMAMA MBABAZI
15. AMONGI BETTY ONGOM
16. AMONGIN APORU HELLEN CHRISTINE
17. ANANG-ODUR LAKANA TOMSON
18. ANDRUALE AWUZU
19. ANGIRO GUTOMOI CHARLES
20. APUUN PATRICK
21. ARAPKISSA YEKKO JOHN
22. ARUMADRI JOHN DRAZU
23. ATENG OTIM MARGARET
24. AWONGO AHMED
25. AWORI SIRYOYI AGGREY
26. BABA DIRI MARGARET
27. BABU EDWARD FRANCIS
28. BADDA FRED
29. BAGUMA ISOKE MATIYA
30. BAKOKO BAKORU ZOE
31. BALEMEZI NALUBEGA LYDIA
32. BAMWANGA STEVEN
33. BANYENZAKI HENRY
34. BASAJJABALABA NASSER
35. BASALIZA ARAALI HENRY
36. BASALIZA MWESIGYE STEVEN
37. BAZAALE BYARUHANGA PHILLIP
38. BAZANA KABWEGYERE TARSIS
39. BBUMBA SYDA NAMIREMBE
40. BESISIRA IGNATIUS
41. BIKWASIZEHI DEUSDEDIT
42. BINTU ABWOOLI LUKUMU JALIA
43. BIRIMUMAASO MULINDWA
44. BITAMAZIRE NAMIREMBE GERALDINE
45. BITANGARO SAM
46. BULAMU JOHN RICHARD

47. BUTIME RWAKAKAIRA TOM
48. BWERERE KASOLE LWANGA EDWARD
49. BYABAGAMBI JOHN
50. BYAMUKAMA DORA
51. BYANYIMA NATHAN
52. BYARUHANGA CHARLES
53. DOMBO EMMANUEL LUMALA
54. D'UJANGA GIW SIMON
55. EKANYA FRANCIS
56. EPETAIT FRANCIS
57. ERIYO JESSICA
58. ETONU BENEDICT
59. GOLE NICHOLAS DAVIS
60. GUMA GUMISIRIZA DAVID
61. HYUHA SAMALI DOROTHY
62. KABAKUMBA LABWONI MASIKO
63. KABAREEBE AMON-REEVES
64. KADDUNABBI LUBEGA IBRAHIM
65. KAFABUSA WERIKHE MICHAEL
66. KAGABA HARRIET
67. KAJEKE WILFRED
68. KAJURA MUGANWA HENRY
69. KAKOKO SEBAGEREKA VICTORIA
70. KAKOOZA JAMES
71. KALULE SSENKO EMMANUEL
72. KAMANA WESONGA EDWARD
73. KAMANDA BATALINGAYA COS
74. KAMUNTU EPHRAIM
75. KAPKWOMU NDIWA KAPKOMU
76. KASAMBA MATHIAS
77. KASIGWA HARRY
78. KASIRIVU ATWOOKI BALTAZAR
79. KATONGOLE BADRU
80. KATUNTU ABDU
81. KATURAMU HOOD KIRIBEDDA
82. KAWANGA JOHN BAPTIST
83. KAWOYA BANGIRANA ANIFA
84. KAYIZZI ASANASIO
85. KAYONGO TOM
86. KEZIMBIRA MIYINGO LAWRENCE
87. KIDEGA DANIEL
88. KIGYAGI ARIMPA JOHN
89. KINOBE JIMMY WILLIAM LEUBEN
90. KIRASO BIRUNGI BEATRICE
91. KITHENDE KALIBOGHA APOLINARIS
92. KITYO HENRY MUTEBI
93. KIWAGAMA WILLIAM WILBERFORCE
94. KIZIGE MOSES
95. KOLUO CHARLES PETER
96. KUBEKETERYA JAMES
97. KULE MURANGA JOSEPH

98. KYAHURWENDA ABWOOLI TOMSON
99. LOCHIAM MILIGAN ROSE
100. LOKERIS APARITE PAUL
101. LOKERIS PETER AIMAT
102. LOLEM MICAH
103. LUBOWA MOSES PAUL
104. LUKYAMUZI JOHN KEN
105. LULE MAWIYA UMAR
106. LYOMOKI SAM
107. MAATE ROGERS
108. MABIKKE MICHAEL
109. MADADA KYEBAKOZE SULAIMAN
110. MAGoola ZIRABAMUZALE BEATRICE
111. MAKUBUYA KHIDDU EDWARD
112. MALLINGA STEVEN OSCAR
113. MATOVU BYATIKE
114. MATOVU DAVID
115. MBABAZI KABUSHENGA HAMLET
116. MBALIBULHA TABAN CHRISTOPHER
117. MEHANGYE IDAH
118. MIGEREKO DAUDI
119. MINDRA JOYO
120. MUGAMBE KIF'OMUSANA JOSEPH
121. MUGERWA NAMAGGWA SAUDA
122. MUJUZI PIUS
123. MUKAMA FRANCIS
124. MUKASA ANTHONY HARRIS
125. MUKASA MURULI WILSON
126. MUKULA RICHARD
127. MUKWAYA BALUNZI JANAT
128. MULENGANI BERNARD
129. MUNYIRA WABWIRE OMUSOLO ROSE
130. MUSUMBA ISAAC ISANGA
131. MUTULUUZA PETER CLAVERI
132. MWAKA NAKIBONEKA VICTORIA
133. MWANDHA JAMES ELIEZER
134. MWESIGE ADOLF
135. MWESIGYE RUHINDI HOPE
136. MWONDHA PATRICK
137. NACHA LORIKA ROSE
138. NAMAYANJA ROSE
139. NAMUSOKE KIYINGI SARAH
140. NAMUYANGU KACHA JENNIFER
141. NANDALA MAFABI NATHAN
142. NANKABIRWA SSENTAMU RUTH
143. NANSUBUGA SARAH NYOMBI
144. NANTUME ERON JANET
145. NAYIGA FLORENCE SEKABIRA
146. NDEEZI ALEX
147. NDUHUURA RICHARD
148. NSABA BUTURO JAMES

149. NSHIMYE SEBUTULO AUGUSTINE
150. NSUBUGA NSAMBU YUSUF
151. NSUBUGA WILLIAM
152. NTACYOTUGIRA PHILIP
153. NUWAGABA HERBERT MUNTUYERA
154. NVUMETTA KAVUMA RUTH
155. NYANZI VINCENT
156. NYENDWOHA MUTITI JONATHAN
157. OBBO HENRY JOSEPH
158. OCHIENG PETER PATRICK
159. ODI JOHN
160. OGOLA AKISOFERI
161. OGWEL LOOTE
162. OJOK B'LEO
163. OKOT OGONG FELIX
164. OKOT SANTA
165. OKULO EPAK
166. OKUMU-RINGA PATRICK
167. OKUPA ELIJAH
168. OKURUT KAROORO MARY
169. OLUM ZACHARY
170. OMACH MANDIR FRED
171. OMODI OKOT
172. OPANGE LOUIS
173. ORECH MARTIN
174. ORYEM HENRY OKELLO
175. OULANYAH JACOB
176. OWORI AMOOTI OTADA
177. RAINER KAFIRE JULIET
178. RUHINDI FRED
179. RUKUTANA MWESIGWA
180. RUTAMWEBWA MUGYENYI MARY
181. RUZINDANA AUGUSTINE
182. RWAKIMARI BEATRICE
183. RWAMIRAMA KANYONTOLE BRIGHT
184. SABIITI JACK
185. SEBAGGALA LATIF
186. SEBALU MIKE KENNEDY
187. SEBULIBA MUTUMBA RICHARD
188. SEKITOLEKO JULIET KABONESA
189. SINABULYA NAMABIDDE SYLVIA
190. SITENDA-SEBALU WILLIAM
191. SEKITOLEKO JULIET KABONESA
192. SSENTONGO NABULYA TEOPISTA
193. THEMBO NYOMBI
194. TIBARIMBASA AVITUS
195. TUBBO NAKWANG CHRISTINE
196. TUBWITA BAGAYA GRACE
197. TUMA RUTH
198. TUMWESIGYE ELIODA
199. WABUDEYA MUKAYE BEATRICE

200. WACHA BEN
201. WADRI KASSIANO EZATI
202. WAGONDA MUGULI JOHN
203. WAKIKONA WANDENDEYA DAVID
204. WAMBUZI GAGAWALA
205. WANANZOFU SIMON PETER
206. WANDERA MARTIN
207. WANJUSI WASIEBA SYLVESTER
208. WONEKA OLIVER
209. WOPUWA GEORGE WILLIAM
210. YERI OFWONO APOLLO
211. YIGA ANTHONY
212. ZZIWA MARGARET NANTONGO

NOES:

1. KASIGWA HARRY
2. LUKYAMUZI KEN
3. MBALIBULHA TABAN CHRISTOPHER
4. NANDALA MAFABI NATHAN
5. NYEKO OCULA MICHAEL
6. NAMUSOKE KIYINGI KYAMA SARAH
7. SEBAGGALA LATIF
8. SEBULIBA MUTUMBA
9. MWANDHA JAMES

ABSTENTIONS:

1. ODONGA OTTO JR
2. OKULO EPAK YEFUSA
3. OLUM ZACHARY
4. OMODI OKOT
5. RUZINDANA AUGUSTINE
6. WADRI KASSIANO

MR MUSUMBA: Thank you very much. Mr Chairman, I was just wondering whether in exercise of your judicial or judicious assessment, we in the House can *–(Interjection)–* this voter fatigue! We could use a show of hands so that we could determine *–(Interjections)–* I thought I should be heard in silence?

MR MWANDHA: Mr Chairman, I did not hear hon. Musumba. I do not know whether he was proposing that we go back to our rules because the rules, which we passed here, are very clear regarding voting on the constitutional amendments?

THE CHAIRMAN: Honourable members, the position is as follows: abstentions are six, those against are nine, and those for are 212. The ayes have it. *(Applause)*

(Question agreed to.)

Clause 22, agreed to.

THE CHAIRMAN: I intend to push in another one before we break off for lunch.

MR ANANG-ODUR: I wish to thank you, Mr Chairman. We are now moving to Clause 23 but I rise to seek guidance because Article 78(1)(c) of the Constitution provides for the representation by special categories. I am very concerned that we are now moving to Multi-party dispensation and the way I see things it will be necessary for us to especially to review the representation of the Army in the Parliament. I was wondering whether this should not be the right time for us to consider this situation, which I consider to be urgent so that we could also correct it as we move towards enacting the new Constitution?

THE CHAIRMAN: Well, in the Constituent Assembly in 1995 this matter came up and when you look at Article 78(2), we inserted there a requirement of periodical review of the special representation to assess the impact and see whether there is a need for this or the other periodically.

The initial period was put at ten years but then after that it is done every ten years. Therefore, it means on our mandatory programme as the Seventh Parliament, before the end our term we shall have to exercise the powers given to us under 78(2). That is when you can address the issue. Which group should continue, which new one should come in? Then we shall be doing this periodically, every five years and, therefore, it may not be necessary. In any case we shall have to do away with it; I do not think we are trying to delete this particular clause of the periodical review of the need to have this affirmative action.

MR ANANG-ODUR: Mr Chairman, I just wonder what the chairman of the committee has to say because I would have imagined this should be the right time for us to consider this particular –*(Interruption)*

THE CHAIRMAN: This time we are amending the Constitution and I have not seen any provision trying to delete this particular provision in the Constitution. So in our programme as the Business Committee, sometime before the end of the term of this Parliament we shall find time to consider this particular one. Even if for instance we maintain the position as it is, it does not mean we shall have to exercise our powers given to us under 78(2).

DR OKULO EPAK: Mr Chairman, the implication of reviewing is that we could review and keep the status quo and we could review and want to bring changes. Some of those changes might require a constitutional amendment. Are you suggesting that at that time, whatever the implication of our review particularly if it means that we have to drop certain special representation, we have to carry out a constitutional amendment?

THE CHAIRMAN: No, there will be no constitutional amendment when we exercise our powers because of this particular provision. There is also a law other than the Constitution, which is used to determine the numbers. We can increase numbers from five to ten, to 15, or reduce it and bring in new ones. There is a law to operationalise this particular provision and, therefore, it is not necessary to amend the law when we exercise our powers under 78(2).

Clause 23

MR OULANYAH: In clause 23 the committee had raised issue with the proposed paragraph (f) but now it has been clarified. But in (d) we propose that the proposed sub-clause (4) be deleted and replaced with the following: “Under a Multi-party political system, a public officer or person working in any government department or agency of the Government or a member of the local

council government or any body in which government has control or interest, who wishes to stand for an election as a Member of Parliament, shall resign this office before nomination day.”

The justification is to broaden the scope of those who must resign before seeking nomination, Mr Chairman.

DR MAKUBUYA: Sir, the Government accepts the recommendation of the committee. *(Applause)*

MR KABAREEBE: Mr Chairman, I want to move an amendment to that effect.

THE CHAIRMAN: To the committee’s amendment or not?

MR KABAREEBE: Yes, the committee’s amendment. I want to add towards the end of the sentence, the seventh word, that: “Three months before the nomination day.”

MR OULANYAH: Mr Chairman, obviously there will be no nomination days appointed and one of the things that the particular person has to present before the Electoral Commission to prove that the person is clear for nomination is to show that the resignation has been effected. So, it does not have to be three months or one year before because it becomes effective on that day when he is going for nomination.

THE CHAIRMAN: Excuse me, honourable members. Are you compelling the Electoral Commission to tell you the nomination day three or six months before? If that is not the case, how will somebody start counting the period you are trying to suggest? You can impose that period if you are sure that the Electoral Commission will have indicated the nomination day before that time accrues. But you may find that the Electoral Commission may only appoint a nomination day when there is one month or something like that left. So what will the person do?

MR WADRI: Mr Chairman, I would wish to borrow a leaf from our own experience when we were still holding public offices. I remember it was the Sixth Parliament, which even floated the idea that if a person is holding a public office he should take 120 days’ leave, and then it was reduced to 30 days. This meant that before nomination a person holding a public office should have taken leave, according to that time, at least one month before the nomination days. What we are saying here is that if this person who is holding a public office is expected to resign then there must be a stipulated time within which his resignation should be tendered in before nomination. Otherwise, a person will tender his resignation on the same day when the nomination is supposed to take place and yet he has been using the Government resources to campaign. I think there must be something done.

PROF. KAMUNTU: Mr Chairman, thank you very much. I listened to your explanation, how practically difficult it would be to know in advance the nomination day for you to work backwards to determine the three months by which you should have resigned. I think this is a valid point but the second point is, what are we trying to achieve by imposing the three-months period for the candidates to have resigned from public offices? What is the motivation? The way I read it is either we as Members of Parliament currently want to make it very difficult for those – *(Interruptions)*- I am arguing my point.

THE CHAIRMAN: Yes, you have the Floor.

PROF. KAMUNTU: You could be motivated by the fact that you are currently a Member of Parliament and, therefore, you want to legislate in such a manner that you want to make it difficult for your opponents to begin campaigning. Alternatively, I would like to believe that selfish interests motivate members. So, this point I raise it only for purposes of recognition. If it is true, then we should really be seen to be legislating impartially.

The second point, which I think is valid, is if we want to avoid *–(Interruptions)–* he is harassing me from the back.

MR BAMWANGA: Mr Chairman, when members are raising this issue they are looking at leveling the playing ground. The fact that they are more interested in taking part in politics, if they are civil servants as we talk now and they are already campaigning in the constituencies using government vehicles and facilities, it is not a level playing ground for Members of Parliament to keep quiet about it. That is what we are trying to cure by raising this matter on the Floor of the House. Thank you.

MR KABAREEBE: Mr Chairman, I want to justify why I brought up that amendment and that was a personal scenario.

THE CHAIRMAN: Let him complete.

PROF. KAMUNTU: Mr Chairman, I was still contributing and I only sat down to accept hon. Bamwanga's information.

I concede: the point he has raised is valid that there could be some members in the public who would want to take advantage of their offices and begin to use the facilities of their offices to campaign before the date of nomination *–(Interruptions)*

THE CHAIRMAN: Honourable members, if you are going to determine the period, you must be certain of when the elections are going to take place. The points you must use are when you want to stand or resign, and the end of term of the district council or term of Parliament for which you intend to stand, because that is known. When the term of this Parliament and that of the district council ends is known. That is the measure, not the nomination, because you are not sure of when the nomination will come.

PROF. KAMUNTU: Mr Chairman, thank you very much. I still have the Floor. I would agree with you that if you want to guard against temptations to abuse public offices, we can start counting from the date, which is known in advance when the term of Parliament expires and we put a time like two months before the expiry of the sitting Parliament, and then that will be practically possible.

MR OCHIENG: Mr Chairman, the guidance I want on this particular matter is if all goes well, by next elections we shall be under a Multi-party arrangement. I wonder how a public servant who is not supposed to be partisan will undergo partisan issues, go through primaries, go through all these things to nomination without resigning? How are we going to go about this kind of thing?

MR WACHA: Thank you very much, Mr Chairman and I want to thank hon. Ochieng for that comment. Under a Multi-party arrangement the political scenario changes completely. A public servant is not supposed to be partisan but immediately he undertakes to go for primaries of any political party and then he is chosen by that political party to represent it in that constituency,

then he will have dropped from that height of non-partisan; he becomes partisan. How do you expect a partisan public servant to continue in office after he has declared himself partisan? The scenario changes completely.

Waiting for a nomination date is not the issue. Once he is chosen by his party in the primaries to represent it, then he must leave office.

MR OULANYAH: Thank you very much, Mr Chairman. I think there are enough enforceable prohibitions to public offices participating in this thing on use of public resources and civil servants going into campaigns. There are enough provisions in the existing laws as of today. They are there; the mere fact that they are not enforced does not make them absent. The laws are in place. So if the laws are in place and we have failed to enforce them, how sure are we that by creating another law we will now enforce them?

What I am saying is, before nomination the laws that operate are the laws that restrict public servants, the civil servants from doing things that are political in nature. Going out to campaign, going to do all those kinds of things are prohibited by the law. But the minute the person wants to seek nomination as a candidate then the rules change as it applies to that person, we are saying he must resign the office before going there. So the prohibitions as of now are there that govern all the public servants and restrict them from participating.

MR BAKKABULINDI: Thank you very much, Mr Chairman. Much as I agree with hon. Bamwanga and hon. Wacha about the need for leveling the ground since these people would have done their work before nomination, I want to say using the example my colleague brought up that at first the days were 120 and then reduced. But that was contained in the Parliamentary election law. Should it be necessary now to bring it in the Constitution, or we reserve it for the Parliamentary election law?

MR RUZINDANA: Thank you, Mr Chairman. I do not agree with what hon. Kabareebe Muzoora is suggesting nor do I agree with the proposal to suggest days before the expiry of the term of Parliament. Suppose we are dealing with a by-election? Don't you see that if we are to deal with a by-election then we cannot use the term of expiry of Parliament because it does not apply? So it might be important for us to say the person should resign before nomination day, and we stop there, rather than trying to put in days that we cannot know. And even in the proposed amendments that we are coming to in clause 24, we are making the expiry of the term of Parliament more uncertain as we shall come to it very shortly. Thank you.

MR KABAREEBE: I want to bring in a scenario of what happened to me so that you can know what happens. If you do not indicate - first of all that this civil servant must resign, his boss or his company must accept his resignation, and thereafter he is issued with a certificate, which he presents on the nomination day to indicate that he has resigned. As you do that, the resignation has a period within which it must be accepted and then the certificate is issued. You cannot do that on the same day so there must be ample time and the ample time is three months. For example I almost failed to be nominated because the certificate had not been released from the Government. I thank you very much.

MAJ. (RTD) RWAMIRAMA: Thank you, Mr Chairman. The clarification I would like from hon. Muzoora is, in case a member dies or resigns, will the three months still apply when we are going for by-elections?

DR OKULO: Mr Chairman, what is the purpose of all this? I would have wished in particular for the chairman of the committee to tell us which existing laws are there, which have not been implemented and then he to takes into consideration that any existing law now is still subject to amendment and we cannot predict how they will be amended.

My argument is, there are several reasons why this matter should be dealt with seriously in a multi-party situation. The first thing obviously, which would be cured even in a Movement system election, is that you are trying to stop abuse of office by these civil servants using public facilities to advance their political interests. This is what we are trying to stop.

The second thing is that the civil servant is expected to remain impartial while in service. Once he has shown interest in a political office, even if he is not yet nominated because what is happening now practically is that these civil servants are already campaigning even before parties have nominated anybody. There was a case in Katikamu with hon. Kinobe and the city engineer; they are already campaigning. So what I want to suggest that we make a provision prohibiting this category of people from engaging in political campaigns until they have resigned. That is the provision, which I wanted to bring in.

MR MUSUMBA: Mr Chairman, I am seeking clarification from the chairman of the committee. I have also got the permission of the Attorney-General to seek this clarification. First of all, –
(*Interruption*)

DR OKULO: Mr Chairman, people stood on points of information to me on clarification! I sat down waiting for the information. Now another honourable member is seeking clarification from the chairman of the committee!

THE CHAIRMAN: I thought you had finished. Who was giving you information? Whom did you allow to give you information? You are holding the Floor.

DR OKULO: May I allow the Madam first, and then hon. Dombo.

MS NAMAGGWA: Thank you, honourable colleague for giving way. I just want to complement what you are saying in terms of Maj. Kinobe, that what actually is happening to him is also happening to me. I have a senior civil servant in Masaka, a Health District Officer, all the days she is in my district campaigning against me. She has moved me out of the – and sometimes she is moving with my colleagues. Colleagues support her and she is campaigning full time against me. So what you are saying is a reality. Thank you.

MR DOMBO: As I seek a point of clarification I see one risk here as we make this law. The risk I see is that we are legislating with ourselves in mind as beneficiaries of this but the clarification I want to seek from hon. Okulo Epak, if we talk of say three or six months before elections when does one become partisan? If you take the case of hon. Kinobe, this member from KCC started frequenting the constituency two years before the campaign period. The only thing we would do, if it were possible, would be for us to put in place prohibitive measures for people holding public offices to stop using them in a manner that would compromise their position and making it partisan, rather than making a Constitution just setting deadlines, which we cannot effectively implement.

DR OKULO: Hon. Dombo, you have not given me any information at all. You are actually supporting me. (*Laughter*) I want to agree with hon. Dombo and to avoid the idea that we are

legislating for ourselves. I gave two basic reasons why people in public office, the civil servants, should not go out to express their political interests openly before they have resigned.

The second one, which is quite fundamental in the Multi-party system, is that he will have already shown that he is prejudice he is partisan. I had said that I would ask hon. Muzoora to agree that instead of imposing a time limit we make a prohibitive provision because this is what used to happen in the standing orders against civil servants and it is there still in the standing orders but because of this individual merit and Movement system, that standing order has already been abused and people are now not regarding it as anything. So, may I move with a request that hon. Muzoora supports this position that we actually prohibit such people as are mentioned in the chairman's amendment from engaging in any open political campaign until such a time when they have resigned?

MR KATUNTU: Thank you very much, Mr Chairman. I am very uncomfortable with this clause and I would like an explanation from the Attorney-General on why he thinks this is a matter of the Constitution. This could have been adequately covered in electoral laws because it is procedural. As far as I am concerned this clause as it is now is redundant. There are enough regulations if they are enforced, that cater for this. They are in the standing orders of the civil service; they are even in the Parliamentary Elections Act. Why do we get each and every small thing and put it in the Constitution?

I would like to seek the Attorney-General's indulgence to have this clause in other legislation than the Constitution. The other laws, as the chairman of the committee says, are not enforced. It does not mean that they do not exist. The laws are already there to cater for all what the members' worries are. To me this is not a constitutional matter. Let it be in other legislations and let the Government or the administrators of the Civil Service enforce the laws.

THE CHAIRMAN: Honorable members, talking about the Electoral law, when does it start to operate against you all? There is a period when you are supposed to be officially campaigning and where you are not supposed to do certain things. Of now you may still do many other things, and yet you start campaigning, but that is not counted as campaigning. There is a period when they say you are campaigning, you can donate, you can do this, but then there is a period when you are stopped. That is why I think we need to look at that situation. The campaigning periods have to be addressed. Otherwise, if a civil servant is now going through the people and are you saying he is campaigning –(Interjection)- no, he is just meeting the people? That is the problem – (Interruption)

MR ODONGA OTTO: Mr Chairman, I am raising on a point of procedure. I would imagine we are at the Committee Stage but the way we are operating is like it is a general debate. I would still seek your guidance on how we may proceed.

THE CHAIRMAN: The problem is that a clause came and some people had problems with it. It is true that this is now generating a general debate simply because when you had the general debate, on this, apart from hon. Aggrey Awori who entered inter alia, you restricted yourselves to just two or three clauses and you never addressed other equally important clauses of the Bill. That is the problem. You were only discussing Article 105 and another one and you stopped there, but since it is an important matter, I have allowed members to express views though it is the Committee Stage honestly.

MR NANDALA: Mr Chairman, I have got a problem. First of all, I had a procedural problem that I had something to comment on (c) or in that Article where they talk about minimum education. Maybe, *-(Interruption)*

THE CHAIRMAN: Let us first deal with this one *-(Interruption)*

MR NANDALA: Okay, but on this one I have this to say. Anybody who has seen a civil servant in his area using government resources to campaign against him is free to report that person to the line leadership. In fact there are complete Standing Orders, which can deal with that if it is not Parliament to handle it.

Having said that, I know people change. Supposing somebody stood on a Multi-party ticket and he has crossed to NRM/O and he loses elections; is he not supposed to be employed again by the civil service? So, I suggest that at a later stage I move an amendment that a civil servant who has gone to vie for political office should not resign. He should just be on leave until elections are over. If he has passed then he resigns or if he losses then he can *-(Interruption)*

MR MUSUMBA: Mr Chairman, I want to seek clarification from the chairman of the committee. First of all, the intention is understood that we are talking about civil servants but I just want to be comforted that what is proposed now cannot be construed to include political leadership as well. I do not understand when we say delete and replace sub-clause (4) to include “a person”. What does that mean? First you delete and, therefore, you are replacing and then you say include? It is: “To include a person working in any Government department or agency of the Government or anybody in which Government has a controlling interest.” I want the chairperson *-(Interruptions)*

THE CHAIRMAN: We are dealing with the committee’s report. *(Laughter)*

MR SABIITI: Thank you, Mr Chairman. I have a problem with the definitions of a public officer or a person working in any Government department. Does this include army officers and ministers? Because if the reason behind this amendment is to stop public officers from accessing certain facilities, which belong to the public and a minister who has already identified himself in a given political party continues using the facilities of the state while on the other side a public officer who is also doing his work as a Government public officer, is stopped from using those resources! It takes me aback. So, we should look at how best to solve it.

In my opinion we should not put this restriction. It should be when he is nominated because I was a public officer and I remember this was used against some of the public officers and some Members of Parliament wanted to bar people from using public assets and they themselves continued using public assets. I suggest that if we want to bar any public officer or anybody working with the Government or any Government department, it should cover everybody. It should not cover only a section of the society. So I really suggest that we do not insert two or three months, but we leave it at the time of nomination.

MR KAWANGA: We understand the problem that is involved but we are wasting a lot of time discussing it as an aspect of the Constitution. In fact when you read this Article it refers to a Member of Parliament, so it does not even concern somebody who wants to stand as President, and it does not concern somebody who wants to stand as chairman, LC V. It is the principle that we would want to include. The way things are, these are the kind of things that are put in the Parliamentary Elections Act, in the Presidential Elections Act, if we really think they are important. So, we should not waste a lot of time putting it here when we can deal with it in

greater detail and the honourable members will have the opportunity to do that when the Act of Parliament comes.

DR MAKUBUYA: Mr Chairman, I had reported that the Government had accepted the recommendation of the committee. I have the benefit of contributions from honourable members and I propose that we stand over this matter and do further consultations with the committee and reach an agreed position.

THE CHAIRMAN: Okay.

MS NAMUSOKE: Mr Chairman, I am seeking clarification. Does the hon. Attorney-General mean we stand over that section or the whole Article because I had a question on (a).

THE CHAIRMAN: Well since it is part of the Article, the whole Article is stood over.

MOTION FOR THE HOUSE TO RESUME

1.43

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS/ATTORNEY-GENERAL (Dr Khiddu Makubuya): Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRMAN: I now put the question.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

1.44

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS/ATTORNEY-GENERAL (Dr Khiddu Makubuya): Mr Speaker, I beg to report that the Committee of the whole House has considered clauses 19 to 23 of the Bill entitled the Constitution (Amendment NO. 3) Bill, 2005 and taken the following decisions:

The Committee of the whole House has stood over clauses 19, 21 and 23.

The committee has passed clause 20, with amendments.

The committee has passed clause 22, without amendment. I beg to report.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE

1.45

THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS/ATTORNEY-GENERAL (Prof. Khiddu Makubuya): Mr Speaker, I beg to move that the report from the Committee of the whole House be adopted.

THE SPEAKER: I now put the question that the report from the Committee of the whole House be adopted.

(Question put and agreed to.)

THE SPEAKER: Honourable members, I think this is a convenient time to suspend the proceedings, up to 3.30 p.m.

(The Proceedings were suspended at
1.46 p.m.)

(On resumption at 3.30 p.m., the Deputy Speaker presiding_)

THE DEPUTY SPEAKER: Honourable members, I welcome you back to this sitting and to inform you that while we were here in the morning, terrorists attacked the transport system in London. They attacked some trains and buses and there have been some casualties.

One of our members of staff was there, but she is not badly injured. Our senior information officer, Ranny Ismail was injured, but she has communicated to say that she is okay; her injuries are not very serious. But as you might expect the whole world has been waiting to see what is happening at the G8, especially with regard to debt relief of the HIPC countries. So I thought I should tell you what has transpired. But Ranny Ismail is all right.

BILLS COMMITTEE STAGE

THE CONSTITUTION (AMENDMENT NO. 3) BILL, 2005

Clause 24

THE DEPUTY CHAIRPERSON: Honourable members, I put the question that Clause 24 do stand part of the Bill. We will take a roll call.

HON. MEMBER: Madam Chairperson, can you explain to us what we are voting on?

THE DEPUTY CHAIRPERSON: We called clause 24 of the Bill and now we want to know those who agree that we move on it. We stood over clause 23, now we are on clause 24. I have put the question that it stands part of the Bill - that is what we are doing –(Interjection)– what is the problem? We are voting on clause 24.

MR SABIITI: There is something I wanted to say.

THE DEPUTY CHAIRPERSON: On clause 24?

MR SABIITI: Yes. My interest here was Article 81, that is 24(1) where it says, “*Subject to Article 61 of this Constitution, a general election of Members of Parliament shall be held on such date before the expiry of the term of Parliament as the Electoral Commission shall appoint.*”

I am worried that this amendment does not give specific time, because I am sure in the other law there was a clear specification of the number of days or number of whatever. It means that the Electoral Commission is going to be free. They can call for elections any time. There is

uncertainty, so I want the chairperson to explain this, if they looked at it. I feel there is a problem with it.

MR WACHA: Thank you, Madam Chairperson. We have been holding discussions with the minister and the chairperson and a few other people here concerning this particular provision and some other provisions, which have already been passed that deal with the Presidential and Parliamentary elections.

The problem is not the time but the period given to the President elect who will have to serve alone for a period of 60 days. We were trying to harmonize our position with the chairperson and the minister and see whether we cannot come with an acceptable provision, which would mean recommitting clause 18 and it would cover the provision, which we are going to deal with. I pray that we stand over this matter so that the discussions we are holding can be concluded.

THE DEPUTY CHAIRPERSON: Chairperson, is that the position?

MR MWESIGE: In the interest of consultation, Madam Chairperson, I have no objection standing over this clause.

THE DEPUTY CHAIRPERSON: Does the chairperson also have no objection?

MR OULANYAH: No objection, Madam Chairperson.

THE DEPUTY CHAIRPERSON: Honourable members, there are consultations going on, on clause 24. So, let us stand it over and the minister will report to us when they have completed the consultations.

Clause 25

MR KATUNTU: Thank you very much, Madam Chairperson. I noted Article 82(2)(a), and I had written to the Attorney-General and the chairman of the committee yesterday about it. It says, "*Parliament shall by the Rules of Procedure of Parliament prescribe the following in respect of the leader of the opposition,*" it goes on and prescribes from (a) to (d). It is my view that what is being prescribed from (a) to (d) cannot be provided for under the Rules of Procedure. These are not matters of procedure; they are matters of substantive law. For example, you cannot under the Rules of Procedure of Parliament prescribe benefits and privileges attached to an office. You cannot do that.

So I would suggest that we say, "Parliament shall by law prescribe the following in respect to the leader of the opposition ..." and then Parliament can either amend the national assembly's act and provide for that particular office, plus all this it prescribes, or it can come up with a new law altogether. That is my view. You cannot have these in the Rules of Procedure of Parliament.

THE DEPUTY CHAIRPERSON: Honourable member, don't we have resolutions, which prescribe our terms and conditions?

MR KATUNTU: Yes, but they are not part of our Rules of Procedure; a resolution is a resolution. This one is saying that Rules of Procedure will prescribe this, you cannot put this sort of thing in the rules; you cannot.

MR RUZINDANA: Madam Chair, even the functions and roles really cannot be prescribed in the rules of Parliament, it has to be an Act of Parliament. So, we should agree and change it. In addition, under multi-organizations or multi-party form, there is no such thing as multi-organizations. Article 69 talks of the Movement political system, the Multi-party system, and so on.

MR MWESIGE: Madam Chair, the phrase “political organization” is referred to in the Constitution. If my colleague could address his mind to clause 72(1) and (2) of the Constitution, you will find reference to political organizations. There is also reference to political parties. So a combination of the two in this amendment is normal. It is perfect. I do not have a substantial difference with hon. Abdu Katuntu’s amendment because it is just a question of the form of these privileges and really I concede to his proposal.

MR KATUNTU: So for purposes of the record, (2) should read that “Parliament shall by law prescribe the following,” then you would have to delete “by Rules of Procedure of Parliament”.

THE DEPUTY CHAIRPERSON: So now the question is, should 82(2)(a) remain as it is? Let it be amended as you have proposed. We are going to vote on hon. Katuntu’s amendment.

(The Members voted by a show of hands_)

THE DEPUTY CHAIRPERSON: No, honourable members, we indicated long ago that if you do not vote we record you as abstaining. You affect the quorum of this House so you should either say aye or nay, or you abstain but you should not just sit there and do nothing.

MR NANDALA: Madam Chair, to vote on something you must be clear about it –*(Interruption)*

THE DEPUTY CHAIRPERSON: Hon. Nandala, I think you have just arrived.

MR NANDALA: I think that to vote on something you must know what you are voting on. Either you vote for yes, nay or abstain. But if you do not know anything, you are free not to vote at all.

THE DEPUTY CHAIRPERSON: No, no.

MR NANDALA: Under which rule; tell us the rule under which you say so.

THE DEPUTY CHAIRPERSON: Honourable members, there is nothing as not understanding this. All of you here qualify to be members of this House and we expect you to understand what you are doing. So you either vote yes or no, or you abstain. There is no other option. So I would like to say on a very serious note that you all have to vote. Let us vote again.

(The Members voted by a show of hands_)

THE DEPUTY CHAIRPERSON: Honorable members, those for the amendment are 104; there were no abstentions and none against the amendment. So the ayes have it. *(Applause)*

(Question agreed to.)

MR SABIITI: I have no problem with what has been passed but still under clause 2(c) we are saying, “his or her roles and functions”. Does that mean that the role of the leader of the

opposition will be in the law we are talking about? Or like any other leaders, like the President, Vice-President or the Attorney-General, will their functions be properly spelt out in the Constitution? Would it not be better for us also to identify the functions of this particular office in the Constitution? I just need your guidance.

MR MWESIGE: The equivalent of the leader of the opposition on the Government side would be the Leader of Government Business and in the amendment, other than conferring that function to the Prime Minister, we have not put it in the Constitution. We have not indicated what the functions of the Leader of Government Business in Parliament, or the chief whip for that matter, will be. I think it is neater that we leave it to the law to prescribe both the roles of the Leader of Government Business and the leader of the opposition, other than putting it in the Constitution.

MS ALASO: Madam Chairperson, I have an amendment on Article 82 to do with the office of the Speaker, perhaps you will help me. I thought we were on Article 82 of the Constitution and that we have been dealing with clause 1? I intend to move an amendment to clause 2 to provide for (b) that is, the office of the Speaker. The proposed amendment that would have a sub-section (b) would be that, "A Member of Parliament elected speaker under a Multi-party system shall resign his or her seat as a Member of Parliament".

Let me first talk about the precedent. We have been taking care of the possibilities of a Multi-party system of the previous amendment and even here I am thinking that to enhance the impartiality of the office of the Speaker, it would be good if the person elected had no constituency, if he or she resigned and somebody else took on that constituency.

MRS MWESIGYE: Thank you. Madam Chairperson, I am seeking your guidance on whether a member can amend an article, which is not within the Bill, which the committee did not consider. I am seeking your guidance on that because that is what hon. Alice Alaso is seeking to do.

THE DEPUTY CHAIRPERSON: Hon. Alaso yesterday the Speaker guided us on how we should move on the issue of amendments. I do not know whether you presented this matter to the committee and whether it was rejected or you have since been in touch with the committee or the minister to discuss it.

MS ALASO: Unfortunately, the first day I was not able to get an audience; we lined up there but we did not get audience. When I discussed it with the chairperson he said it would be okay if I moved that amendment later on and so that is it. I talked to the chairperson of the committee after failing to get myself into the committee programme, but I have not discussed it with the Attorney-General, but I gave notice to the Clerk's office.

THE DEPUTY CHAIRPERSON: No, I think if we allow that we are going to open up the entire Constitution at many stages and I do not think that was the intention for the amendments. However, perhaps when we are discussing the electoral law we may bring it up again. Are there any other comments on clause 25?

MS ALASO: Madam Chairperson, I just want to be helped. Yesterday I heard hon. Zziwa proposing to move another amendment, which was not really looked at by the committee. The Speaker told her that she would bring it later. So I am wondering whether we are putting a ruling on that matter and no other kind of such amendments will come.

THE DEPUTY CHAIRPERSON: No, it is really risky to set that kind of precedent because the 300 of us may wake up and come up with amendments, which the committee has not had time to

look at, which the Attorney-General has not looked at, and which we too have not had time to reflect on. We should do it in future when we are doing the electoral law.

MR KATUNTU: Thank you very much, Madam Chairperson. I think you have sort of made a ruling about the electoral law, but we cannot provide such a matter in the electoral law. If we have to provide for it, it can only be in the Constitution.

Having said that, I am looking at rule 108(4), which bars amendments that have not been brought to the Committee of the whole House. The last leg says, and it is in the alternative, “*Where, for reasonable cause, the amendments were not presented to the relevant committee ...*” So there is still a chance, if there is a reasonable cause. In your opinion then –(Interjection)- hon. Babu, if you want to make a point, you will make it when I have finished. Let me make mine first other than shouting.

I think what this House can do is to look at the last leg, whether there is a reasonable cause for hon. Alaso to bring this amendment and if there is no reasonable cause then you will rule it so but not that there is a complete bar to any amendment, which was not brought to the committee.

THE DEPUTY CHAIRPERSON: Honourable members, you were given time at the second reading to debate all these matters. That is the time you should have canvassed for support and voted out this issue, but this is the first time I am hearing of it. I am being taken by surprise.

MRS MUKWAYA: While I appreciate that the amendment is well intentioned, this Bill has been with us and with the committee for a very long time. In fact the Government was trying to postpone some of our dear work, which we wanted, to another Parliament. Can we then entertain new matters at this point, which were not raised?

Secondly, I am surprised that hon. Katuntu would move to challenge your ruling through an appeal without following the rules.

MR SABIITI: I concur with your ruling but I would like to be guided that can a minister, in this case the Attorney-General, move an amendment when such amendments were not presented to the committee? Is this only for the minister or for all Members of Parliament? I need your guidance because hon. Mukwaya used to come here with so many amendments, which have never passed in the committee. So I would like to know, at least for the sake of amending the Constitution, can the minister –(Interruption)

MR GAGAWALA: Is hon. Jack Sabiiti in order to start making wild allegations against the honourable minister without evidence?

THE DEPUTY CHAIRPERSON: The difference between the minister and other members is that the minister is the owner of the Bill. He can even wake up one day and say, “I am going away, I am withdrawing the Bill.” The minister is the owner of the Bill, but I think we should encourage amendments, which have been canvassed with the committee. Let us proceed.

THE DEPUTY CHAIRPERSON: I put the question that clause 25 as amended do stand part of the Bill.

(Question put.)

AYES:

1. AACHILLA JOHN ROBERTS REX
2. AANIMU ANGUPALE
3. ABURA PIRIR SAMUEL
4. AEL ARK LODOU
5. AGARD DIDI
6. AHABWE PEREZ
7. AKAKI AYUMU JOVINO
8. AKECH OKULLO
9. ALASO ASIANUT ALICE
10. ALI MOSES
11. ALISEMERA BABIHA
12. ALONGA OTHMAN HARUNA
13. AMAJO MARY
14. AMAMA MBABAZI
15. AMONGI BETTY
16. AMONGIN APORU
17. ANANG-ODUR LAKANA THOMSON
18. ANDRUALE AWUZU
19. ANGIRO GUTOMOI
20. APUUN PATRICK
21. ARAPKISSA YEKKO JOHN
22. ARUMADRI JOHN DRAZU
23. ATENG OTIM MARGARET
24. ATIM OGWAL CECILIA
25. AWONGO AHMED
26. AWORI SIRYOYI AGGREY
27. BABA DIRI MARGARET
28. BABU EDWARD FRANCIS
29. BADDA FRED
30. BAGUMA ISOKE MATIYA
31. BAKOKO BAKORU ZOE
32. BALEMEZI LYDIA
33. BAMWANGA STEVEN
34. BANYENZAKI HENRY
35. BASAJJABALABA NASSER
36. BASALIZA ARAALI HENRY
37. BASALIZA MWESIGYE STEVEN
38. BAZAALE BYARUHANGA PHILIP
39. BAZANA KABWEGYERE
40. BBUMBA SYDA
41. BESISIRA IGNATIUS
42. BIKWASIZEHI DEUSDEDIT
43. BINTU ABWOOLI JALIA
44. BIRIMUMAASO MULINDWA
45. BITAMAZIRE NAMIREMBE
46. BITANGARO SAMUEL
47. BULAMU JOHN
48. BUTIME TOM
49. BWERERE KASOLE
50. BYABAGAMBI JOHN

51. BYAMUKAMA DORA
52. BYANYIMA NATHAN
53. BYARUHANGA CHARLES
54. D'UJANGA GIW SIMON
55. DOMBO EMMANUEL
56. EKANYA GEOFFREY
57. EPETAIT FRANCIS
58. ERIYO JESSICA
59. ETONU BENEDICT
60. GOLE NICHOLAS DAVIS
61. GUMA GUMISIRIZA DAVID
62. GUTTI ANDREW
63. HYUHA SAMALI DOROTHY
64. KABAREEBE MUZOORA
65. KADDUNABBI LUBEGA IBRAHIM
66. KAFABUSA WERIKHE
67. KAGABA HARRIET
68. KAJEKE WILFRED
69. KAJURA MUGANWA
70. KAKOKO SEBAGEREKA
71. KAKOOZA JAMES
72. KALULE SSENKO
73. KAMANDA BATALINGAYA
74. KAMUNTU EPHRAIM
75. KAPKWOMU NDIWA KAPKOMU
76. KASAMBA
77. KASIGWA HARRY
78. KASIRIVU ATWOOKI
79. KATONGOLE BADRU
80. KATUNTU ABDU
81. KATURAMU HOOD
82. KAWANGA JOHN BAPTIST
83. KAWOYA BANGIRANA ANIFA
84. KAYIZZI ASANASIO
85. KAYONGO TOM
86. KEZIMBIRA MIYINGO
87. KIDEGA DANIEL
88. KIGYAGI ARIMPA JOHN
89. KINOBE JIMMY WILLIAM LEUBEN
90. KIRASO BEATRICE
91. KITHENDE KALIBOGHA APOLINARIS
92. KITYO HENRY MUTEBI
93. KIWAGAMA WILLIAM
94. KIYONGA CHRISPUS
95. KIZIGE MOSES
96. KOLUO CHARLES
97. KUBEKETERYA JAMES
98. LOCHIAM MILIGAN ROSE
99. LOKERIS APARITE PAUL
100. LOKERIS PETER
101. LOLEM MICAH

102. LUBOWA MOSES
103. LUKYAMUZI KEN
104. LULE MAWIYA
105. LYOMOKI SAM
106. MAATE ROGERS
107. MABIKKE MICHAEL
108. MADADA SULAIMAN
109. MALLINGA STEVEN OSCAR
110. MASIKO KOMUHANGI WINFRED
111. MATOVU BYATIKE
112. MATOVU DAVID
113. MBABAZI KABUSHENGA HAMLET
114. MBALIBULHA TABAN CHRISTOPHER
115. MEHANGYE IDA
116. MIGEREKO DAVID
117. MINDRA EUGENIA
118. MUGAMBE JOSEPH
119. MUGERWA NAMAGGWA SAUDA
120. MUHWEZI KATUGUGU JIM
121. MUJUZI PIUS
122. MUKAMA FRANCIS
123. MUKASA ANTHONY HARRIS
124. MUKASA MURULI WILSON
125. MUKULA RICHARD
126. MUKWAYA JANET
127. MULENGANI BERNARD
128. MUNYIRA ROSE
129. MUSUMBA ISAAC
130. MUTULUZA PETER
131. MWAKA NAKIBONEKA VICTORIA
132. MWANDHA JAMES ELIEZER
133. MWESIGYE ADOLF
134. MWESIGYE RUHINDI HOPE
135. MWONDHA PATRICK JOHN
136. NACHA LORIKA ROSE
137. NAMAYANJA ROSE
138. NAMUSOKE KIYINGI KYAMA
139. NAMUYANGU JENNIFER
140. NANDALA MAFABI
141. NANKABIRWA SSENTAMU RUTH
142. NANSUBUGA SARAH NYOMBI
143. NANTUME JANET
144. NASASIRA JOHN
145. NAYIGA FLORENCE SEKABIRA
146. NDEEZI ALEX
147. NDUHUURA RICHARD
148. NSABA BUTURO JAMES
149. NSHIMYE SEBUTULO AUGUSTINE
150. NSUBUGA NSAMBU YUSUF
151. NSUBUGA WILLIAM
152. NTACYOTUGIRA PHILIP

153. NUWAGABA HERBERT MUNTUYERA
154. NVUMETTA KAVUMA
155. NYANZI VINCENT
156. NYEKO OCULA MICHAEL
157. NYENDWOHA MUTITI JONATHAN
158. OBBO HENRY
159. OCHIENG PETER
160. ODI JOHN
161. OGOLA AKISOFERI
162. OGOLA NICHOLAS
163. OGWEL LOOTE
164. OJOK B'LEO
165. OKOT OGONG FELIX
166. OKOT SANTA
167. OKULLO EPAK
168. OKUMU RINGA PATRICK
169. OKUPA ELIJAH
170. OKURUT KAROORO
171. OLUM ZACHARY
172. OMACH FRED
173. OMODI OKOT
174. OPANGE LOUIS
175. ORECH MARTIN
176. ORYEM HENRY OKELLO
177. OULANYAH JACOB
178. OWORI OTADA
179. RAINER KAFIRE JULIET
180. RUHINDI FRED
181. RUKUTANA MWESIGWA
182. RUTAMWEBWA MUGYENYI MARY
183. RUZINDANA AUGUSTINE
184. RWAKIMARI BEATRICE
185. RWAMIRAMA BRIGHT
186. SABIITI JACK
187. SEBAGGALA LATIF
188. SEBALU MIKE KENNEDY
189. SEBULIBA MUTUMBA RICHARD
190. SEKITOLEKO JULIET
191. SINABULYA NAMABIDDE SYLVIA
192. SITENDA-SEBALU WILLIAM
193. SSEKIKUBO THEODORE
194. SENTONGO NABULYA TEOPISTA
195. THEMBO NYOMBI WILLIAM
196. TIBARIMBASA AVITUS
197. TUBBO NAKWANG CHRISTINE
198. TUBWITA BAGAYA GRACE
199. TUMA RUTH
200. TUMWESIGYE ELIODA
201. WABUDEYA BEATRICE
202. WACHA BEN
203. WADRI KASSIANO

204. WAGONDA MUGULI JOHN
205. WAKIKONA DAVID
206. WAMBUZI GAGAWALA
207. WANDERA MARTIN
208. WANJUSI WASIEBA
209. YERI OFWONO APOLLO
210. YEKKO ARAPKISSA
211. YIGA ANTHONY
212. ZZIWA MARGARET

THE DEPUTY CHAIRPERSON: Honourable members, these are the results of voting on clause 25: there are 212 for, none against, and no abstentions. The ayes have it. *(Applause)*

(Question agreed to.)

Clause 26

MR OULANYAH: Madam Chair, on Clause 26, the committee had proposed an insertion but after reflection and considering what exists in the constitutional provision, it is not necessary. So, there is no objection to clause 26 standing as it is.

MR WANDERA: Madam Chair, I beg for a minor amendment to the effect we have the following words deleted. That is or if he or she is expelled from the political organization, or political party for which he or she stood for election to Parliament.

Madam Chair, the justification for my amendment is that, the national constitution should not be used to manage internal discipline. I have a fear that some political parties may keep hanging this over the heads of some Members of Parliament, you are aware of the wrangle that is going on in several political parties. There have been dismissals and counter dismissals, and if this clause were operating under a multi-party political system, by now several people would have lost.

If we were running a multi-party system today, hon. Morris Kagimu would not be a Member of Parliament. Then when one gets elected to Parliament, one becomes a Member of the Parliament of Uganda. All that your party does is to nominate you and that is why even under the multi-party elections, your photo appears. Not only members of your political party elect you; and it would be very unfair to those who do not belong to your party, who may have voted for you, if you lost your seat just because your party has dismissed you.

Madam Chair, because I come from trade unions, I know well the internal dynamics of organizations. You may raise a genuine concern say, you may ask, "What happened to this money?" then people say, "Oh, this man wants to know what we are doing. Let us punish him by dismissing him." This is something we must think about very seriously honourable Members. I beg to move, Madam Chair.

THE DEPUTY CHAIRPERSON: So you are suggesting that the sentence ends at "independent member" and the rest of that is deleted?

MR WANDERA: Yes, Madam Chairperson.

MR WACHA: Madam Chairperson, I support that proposal though for a completely different reason. I am supporting it just because the words he is complaining about are actually redundant.

What is the effect of a person being expelled from a political party if he or she is in Parliament? That person would (a) choose to remain independent, or (b) he or she might choose to join another party.

Now, if those are the two effects, then they are fully covered by the first part of the clause, which therefore makes the second half, which honorable Wandera is complaining about; so this becomes redundant.

MR AWORI: I have a brief comment, Madam Chairperson. In Parliament, we do not represent political parties; we represent constituencies.

MR WACHA: Madam Chairperson, let me answer him. If we were operating under a multi-party dispensation, then a political party sends you to Parliament if you came on a party vote; you are only free if you came on individual merit.

THE DEPUTY CHAIRPERSON: Honorable Members, does the Minister have any objection to deleting this part.

MR MWESIGYE: Honorable Chairperson, I oppose the amendments because it does not add value to the formulation that I have presented. In the Constitution, Article 83, 1(g), there is already a provision, which provides for the vacation of a seat of a Member of Parliament if a person leaves a political party organization for which he contested.

When you are expelled from a party, the effect of the expulsion is that you leave the party that is the effect. You cannot be expelled and stay. You can actually be expelled, and you choose not to run as an individual or not even to run for another political party.

So Madam Chairperson, the purpose of introducing this amendment was to make it clearer that, yes, there can be a case for someone who voluntarily leaves a party for which he was elected to Parliament. If you leave, then it is clear that you have vacated your seat.

But if your party, in accordance with its rules and procedures expels you, you have no reason to continue holding the seat of that political party in Parliament; that is only logical. That is why on top of leaving the party and crossing, expulsion should attract a sanction of vacation of office.

Therefore, there are three evils that we want to cure. One is the that of crossing; two, is that of voluntary departure from your party; the third is, that when you have been expelled for wrong doing in your party, you no longer have the moral authority, let alone the locus to represent that party any where in the House or in any other forum. That is the spirit in which this amendment is moved.

MR MWANDHA: Thank you very much, Madam Chairperson. I am not persuaded by the arguments given by the Minister. I think honorable Martin Wandera has a very good point. We cannot put in the Constitution a provision for parties expelling their members and start constitutionalising it and taking action on what the parties do.

Mind you, some of these cases could be subject to legal wrangles and litigation; and for us to say, “once one is expelled,” without even caring to know the reasons behind the expulsion is unfair.

I would like to move a different formulation, Madam Chairperson. Instead of expelled, let us say that: “if one ceases to be a member,” for whatever reasons: he may resign, leave the party, or

even be expelled. But if the person ceases to be a member and there is evidence that somebody has ceased to be a member of a given political party, then that is good enough for us to recognize that he has ceased to be a member of a party, rather than saying, if he is expelled; I think that will be wrong. Thank you.

MAJ. RWAMIRAMA: Thank you, Madam Chairperson. Madam Chairperson, I have a bit of a problem that we may actually suppress people's freedom. We may take the example of what is going on in UPC and DP. I know what I want to say, so Madam Speaker, will you please protect me from honorable Latif Sebagala?

THE DEPUTY CHAIRPERSON: You are protected.

MAJ. RWAMIRAMA: Madam Chairperson, if Rwanyarare were a Member of Parliament, he would have lost his seat. Because Obote in Lusaka –(*Interruptions*)

MR AWORI: Madam Chairperson, while UPC is very liberal and receives views from various organizations and parties, when it comes to interpretation or the procedures in management of the party, it is an exclusive right for members only.

While admitting that once a member has been expelled, he may cease to be a member of Parliament, is my honorable Colleague in order to mislead the august House that my Colleague and Comrade, Dr James Rwanyarare has been expelled from UPC? He has never been expelled from UPC, except from moving from one office to another. So is he in order to mislead the august House?

THE DEPUTY CHAIRPERSON: Honorable Members, unfortunately, I do not Minister of Internal affairs of UPC meetings and matters of moving people from office to office have not been brought to this House. So I do not know what happened. Proceed.

MAJ. RWAMIRAMA: Thank you, Madam Chairperson, for your wise ruling. The problem is that my senior Colleague, honorable Awori, only knows of one Rwanyarare who is a doctor and a member of UPC.

Madam Speaker, the point I want to raise is that after some time a party may degenerate from its original objective and some competent members may challenge the behaviour of individuals, who may have muscle, and under the circumstances, a member is sacked from the party and he loses his seat.

There are two implications; one, there is a financial implication, that a party which loses Members of Parliament will add an additional cost to Government because we have to finance elections. We have to do all that just because a Member has left a party.

Two, a person who may be right, may have his freedom suppressed. I think we must make a law that protects individuals and Government from losing money. It is against this background that I would like us to modify hon. Wandera's amendment to take care of these concerns.

DR EPETAIT: Thank you very much, Madam Chairperson. I beg to submit that the constitutional provision, in Article 83(1)(g) is just adequate to control –(*Interruption*)

THE DEPUTY CHAIRPERSON: The one in the Constitution?

DR EPETAIT: Yes. I beg to support the amendment moved by hon. Wandera, and my observation is that Article 83(1)(g) is sufficient to deal with the matter. First, I would like to differ with my colleague, hon. Mwandha, who proposed a rephrasal. He talked about a member that ceases to be part of a party for one reason or another. Still, you give the party a leeway to expel and that is something that we are trying to cure, because if you say, “where a member ceases to be a member of a party,” then he vacates his seat; the party can still expel members and that is the very evil we would like to avoid, and catered for.

In any case, even the constituents who will have elected such a member into the assembly have the power to recall them if they see their member has had an errant conduct.

Madam Speaker, I want to say that this is something that we may be legislating while looking at some category. I imagine a situation where, say, hon. Ogwel Loote moves a Motion to expel hon. Nyombi and hon. Babu for addressing their problem in a wrong forum, you can imagine the kind of calibre of representatives NRM/O would lose.

So, Madam Chairperson, I would like to propose for goodness sake, that a member might raise a very pertinent issue attempting to address or improve the performance of his or her party, only to suffer a ban from the members of the party.

I would like this addition that the Minister is proposing to be deleted because it could create a lot of disharmony within the party, and in any case, it holds the members in ransom. But for a member to cross from one party to another or choose to be independent, I think that is the area where I would support; but not expulsion by the party. I beg to submit, Madam Chairperson.

MR KATUNTU: Thank you very much, Madam Chairperson. When we elect Parliament, we are supposed to represent not only the interests of our political organizations but also those of the entire country. In every multiparty system, you will have two, three, four or more parties in the House, and if we leave this clause as it is, then it might lead to a House being polarized, where members even fear to vote against the party position because they will be expelled. Then you will have a Parliament having 80 members of Forum for Democratic Change (FDC) in Parliament, 15 of Movement –*(Laughter)*

THE DEPUTY CHAIRPERSON: Order, Members! Order, please.

MR KATUNTU: Madam Chairperson, it could even be vice versa. I am sure that would leave hon. Babu more comfortable. What will happen is that we shall have just a block vote; members will always be having this clause hanging over their heads.

I would therefore suggest that the first part caters for all this, and in any case, when you are elected, it does not mean that it is your party, which has borne the whole task; you also have a personal input in your election. So it is not the party really to determine whether you should be in this House or not.

Some of us could even be bigger than these parties; we could be the ones selling the parties to the population. So, I think this expulsion should not be there, I would therefore support hon. Wandera’s amendment. Thank you, Madam Chairperson.

PROF. KABWEGYERE: Thank you, Madam Chairperson. Let me observe a huge contradiction arising out of the presentations I have heard, particularly among those who believe in political parties.

What is presented here is actually meant to protect parties, and parties are supposed to be ideological. If you belong to a party and you are like hon. Katuntu, more important than that party, then that is not a party. How would you be more important than the party? The party is more important than an individual because a party stands for an ideological position, a direction of a country.

Therefore, if we know what parties are and not the parties of yesterday, because the tendency is to say, "As it happened yesterday, so it is going to happen again." I would imagine that those of us who are talking of parties are talking about better parties than those that we experienced in the past, because if that is going to be case then we are in the doldrums again.

Here we are providing for not leaving a party, deserting it in Parliament, because we have had that experience before; you voluntarily say, "I am walking out of my party, I do not have anything to do with my party."

This will weaken parties; it weakened parties yesterday. So we suggest that if you stood as an independent, an independent means that you have your reputation in society, and you come here –
(Interruption)

MR NANDALA MAFABI: Madam Chairperson, the procedure I am raising is that what Prof. Tarsis Kabwegyere is raising, we have all read it. So for purposes of time –*(Interruption)*

MR MUTEKANGA: Point of order. Madam Chairperson, on many occasions some Members of Parliament tend to use languages that are rather unparliamentary. Is it in order for the honourable member holding the Floor to use words like 'for whatever' referring to a whole professor, a Minister, and a Member of Parliament?

THE DEPUTY CHAIRPERSON: Now, honourable members, you have both been here for more than four years. So I would assume that by now you know one another. If you are guided that he is called Tarsis not Francis do not say "whatever." So you are out of order.

MR MAFABI: Thank you very much, Madam Speaker. *(Interjections)*- you will not force me I do not understand some of these languages –*(Interruption)*-

THE DEPUTY CHAIRPERSON: Honourable Nandala, withdraw what you said.

MR MAFABI: Professor, I have withdrawn. Now, what I was try to raise is, the professor is going back to reading the Bill, which we have. In that case is it procedurally right for him to read for us what we already know instead of making it a point so that we can proceed?

THE DEPUTY CHAIRPERSON: Honourable member, if we all knew everything there would be no debate here. We are supposed to try and influence each other's thinking, convince one another; that is what we are trying to do here.

PROF. KABWEGYERE: Thank you Madam Chairperson. I certainly hope that the next Parliament will have better quality than it is presented with presently. What I was saying, Madam Chairperson; is that all this that is being expressed, the essence of this clause is actually to strengthen parties; to strengthen ideological positions because if you are independent you should keep that independence until the term of Parliament has ended then you can change and probably belong to another ideological camp.

Therefore, Madam Chairperson, if a party expels its member for breach of the rules of conduct and that party is worth its name and it is represented in Parliament and they have sacked you, they have expelled you as a Member of Parliament, knowing that you are a Member of Parliament, what name do you still have; what dignity do you still have to keep your position in Parliament?

So, to me the word 'expel' should be there because living on your own is a different quality of departure from a quality when you have been expelled. It means you have been expelled for misconduct and that misconduct should disqualify you from being a Member of Parliament.

THE DEPUTY CHAIRPERSON: Honourable Members, if you are expelled you do not stay; when you are expelled you go.

MR MBABAZI: Thank you, Madam Chairperson. I would like to invite Members to the fact that this (g) as proposed would only work under a multiparty system.

Secondly, to say that we must make a clear distinction between a multiparty system and the Movement system is redundant. As you all know, under the Movement system, the program of work and action is already agreed upon; it is predetermined.

What we are considering is the ability of the individual to perform, hence the idea of individual merit. You are looking at two or three, whatever number of people that have presented themselves to choose among them, to see which of them is best to perform a program already known and agreed upon. Multiparty system is not competition between individuals but between programs because each political party presents a program.

So, when you come to Parliament, you come not as an individual but as a spokesman of the political party whose program your constituency chose. This distinction must be cleared. So, the idea is that if in the course of your work as a Member of Parliament, representing the party in Parliament you depart from the party or you do things, which lead to the party expelling you, then you have lost the locus in Parliament.

That is why you find that in democracies like Great Britain, they decide that this issue is free in other words that members are free to vote in anyway using their own conscience. But in most cases the party takes a position and if you depart from that position then they will take disciplinary measures against you.

So, what is being proposed is that in case a Member of Parliament is expelled from a party, then he is not in a position to speak for that party, he has no locus, he has no basis *—(Interruption)*.

MR DOMBO: Thank you very much, Madam Chairperson. Madam Chairperson, I wanted to seek clarification from the honourable Minister whether we are also going to prescribe in the constitution the reasons for which the party may expel a member. Unless we do that, we cannot guarantee the democracy in certain organizations and we do not know the reasons for which those organizations are going to expel their members *—(Applause)*

The only way we can guarantee that is to specify in the constitution the reasons for which a member may be expelled.

THE DEPUTY CHAIRPERSON: Now, honourable Minister of Justice, I was just inquiring; can't these matters be put in the political parties and organizations Act or somewhere else?

Mr Mwesige: Madam Chairperson, the grounds for vacation of office by a Member of Parliament are outlined in Article 83(1). So, if we are satisfied as Government is that expulsion from a party, which nominated and sponsored you to come to the House, is a ground to vacate one's seat in Parliament, then it is only proper that it is included in the constitution.

THE DEPUTY SPEAKER: Would it make sense if we had another sub-clauses just to deal with expulsion? We leave the voluntarily leaving alone and then we have expulsion?

MR MWESIGE: I have no objection to that reformulation provided expulsion is one of the grounds in the constitution.

MR KAKOOZA: Thank you, Madam chairperson. I would like to know the difference in Article 83(g), once it remains as it is with the amendment brought by the minister. Maybe we need to go further and understand, because the confusion is about the word "expulsion". Take a situational analysis of what has been happening in politics today, how do you stop what has been going on so that it does not infringe on the rights of other people within a party? Because somebody can concoct stories and this is a problem. So, if that worry is catered for – maybe hon. Mbabazi would give more so that we can move with the –(*Interruption*)

MR AGGREY AWORI: Madam Chairperson, I would like to correct the wrong impression that my honourable colleague gave the august House. He said that in some democracies especially Great Britain, you might suffer expulsion when you differ with a party policy. The only time where you are compelled to vote with the party is when somebody moves a vote of no confidence in the Government. In addition to that, if you are a cabinet minister and you differ with the party policy, you are compelled to leave the cabinet.

I will give you an example. Not long ago, a Minister for Overseas Development differed with her Prime Minister on a matter of Iraq. She was not expelled from Parliament, but she was forced to vacate her seat in the Cabinet. So, do not give the impression that on every issue that comes up, you are compelled to go with a party wholesale. Last week 34 members of the Labour Party differed with their Prime Minister; they are still Members of Parliament today.

MAJ. (RTD) KINOBE: Thank you, Madam Chairperson. This matter was one of the issues that were widely debated in the Committee and one of the concerns that came from those who presented before the Committee was how we can safeguard against malicious or arbitrary expulsion of members that would lead to automatic vacation of a seat. Along the way, the discussions rotated around the process that vacation of a seat is not just an event; it goes through a series of activities.

Madam Chairperson, even when you said Parliament should not get involved in reading minutes of the parties, it will not avoid it, because formally the party must communicate to Parliament so that Parliament through the Clerk communicates to the Electoral Commission that the seat has fallen vacant. In the Committee's view; we were thinking that first; there are two entry points, because the issues raised by hon. Amama Mbabazi are desirable. In the practical bit of it, there are two options; one is under automatic vacation and two, to make this a ground of recall. If we could make this as a ground for recall so that the party after being satisfied that you are dismissed from the party, the process starts and it becomes one of the grounds to have you recalled from Parliament. This solves two problems:

You may find that the member has a right of appeal and the process may go beyond the time you think of automatic vacation and definitely, the court may stay your vacation until the process is complete. Yet, if you went under the arrangements and grounds of appeal, it is a process, which is full proof. It gives you the right to defend yourself and enough opportunity to offer the ground and justify you. By the time you are recalled with the effort of the party structures within the Constituency where you stood, all the areas of grievances that were raised by members would have been exhausted.

If that position is acceptable, the desire of holding party discipline can shift from automatic vacation of office as a basis of recalling a Member of Parliament, if the party is satisfied that his conduct is contrary to what is desirable of a Member of Parliament.

Your remover should be subjected –(*Interruption*)

DR OKULO EPAK: Point of clarification.

MAJ. (RTD) KINOBE: Let me conclude this, Madam Speaker. Since it is a process, your vacation should be stayed until the process is completed. I do not know what the honourable minister has to say about that.

MR SABIITI: The information I would like to give to the honourable minister is to draw his attention to Article 71, which details what a party should be. I remember the honourable minister who was in the Constituent Assembly then was very particular about the type of parties we should have in future. Considering (b) and (c), if we talk of expulsions in parties, some of the members of these parties maybe expelled because of (b) and (c) which talk about the sectarian tendencies and the non-democratic principles within a party and this may cause a problem.

I would like to suggest to the Minister, through you Madam Chairperson, that Article 83 is enough. If you read Article 83, maybe we can look at (e) revisit it and reinforce (d) and (g). However, to use the word “expulsion” means we are legalising or constitutionalising the expulsion of members and empowering parties who may have personal problems against their members. Therefore, I would like to request that we you stay this amendment and revisit Article 83 to see how best we can handle this problem.

MR MBABAZI: I would like to thank all members who have contributed by giving me information. I would like to start from the good information given by hon. Sabiiti, which referred to Article 71 and the contents that he read out. He read that any party is free to make a code of conduct for its members, which includes expulsion as a punishment for whatever actions the party considers inappropriate for their party. There is nothing in this Constitution that prevents a political party from having a punishment of expulsion of their member if that member has violated certain rules within the party. I hope no one is suggesting that we should stop political parties from expelling its members if they behave contrary to their party expectations.

Therefore, it we are not really encouraging them but simply saying in accordance with the Constitution of the party, the party has the right of expelling you from its ranks. It is then that you have no basis of speaking for that party anywhere, including Parliament. That is point number one.

Point number two, Article 71 answers some of the questions like the one hon. Dombo and hon. Kakooza asked. It talks about the character of a political party, how it should not be sectarian and how it should conform to democratic practice or principles enshrined in this Constitution.

However, what this does is give a right to the member who has a grievance against the action of his political party, to challenge the party in a court of law. If your party has not acted in accordance with the Constitution, it is your right to be listened to in a court of law. This is not something we can determine here.

Madam Chairperson, Clause 83(e) does not apply. It is talking about someone who has acted in breach of the Leadership Code, as stipulated in this Constitution under the IGG Act and things like that. We are now talking about actions of a political party by the political party itself denying members the freedom to speak on its behalf.

What hon. Awori talked about, is true. There are many Labour Members of Parliament, who have been voting against the Labour Party and they have not been expelled. This is not because they cannot be expelled. I said that the party sometimes takes a position in as far as how far members can go. However, we know of cases, for instance, you may remember Ken Livingston, the Mayor of London who differed with the Labour Party and they chose a candidate other than him for Mayor of London.

Ken Livingston quit the Party, stood as an independent candidate, and still won the election. After reapplying, he was accepted back in the party. He became a political force in London and the Labour party could not ignore him anymore. Therefore, he applied and he was absorbed back into the party and he retained his status as a candidate of the Labour Party.

What this shows is that even within the Labour Party in Britain – and we know another Member of Parliament by the way, who was alleged to have Iraq dealings. I can cite many cases, which I do not have to do here to show that in the so-called mature democracies, expulsion is something that they apply to instil discipline among their members.

Therefore, what this amendment is intended to achieve is simply to say that under multiparty system when representation in the House is on the party basis, unless you are an independent candidate, once you lose the status to speak for the party then you cannot speak even in Parliament for it. I would like to –(Interruption)

MAJ. RWAMIRAMA: Point of clarification.

MR MBABAZI: Let me finish this sentence. I would like to urge members to leave this Movement political system, which I appreciate; hon. Awori and hon. Katuntu really enjoy and do not want to leave. However, you know if we go multiparty, that is precisely what you are asking for and that is what we want to provide for under (g).

MAJ. RWAMIRAMA: I would like the Minister to clarify this. There is a law for recall for a member in Article 83, why can't the party, which in any case has majority in the Constituency, initiate a process of recall? Why do we have to legislate for weak parties, which fill the candidates that are wobbling and cannot stand ground? The purpose of this Article appears to be to legislate for weak parties who will send members who are going to defect almost immediately their assume office.

So, why initiate a recall when there is already a provision in the Constitution for a recall of a Member of Parliament.

MR KAWANGA: Madam Chairperson, I would to advise this House to stop the habit of being over protective and intolerant to differing opinions. When you squeeze people into organisations

and make it difficult for them to be independent to serve the wider interests of the Nation, you are doing a disservice to the country. *(Applause)*

The effect of the amendment that hon. Wandera has moved is to say that the Constitutional provision should remain as it has been and in my view that is sufficient. The Constituent Assembly went into a lot of detail to get to this Clause as it is. The improvement that is being brought now is actually draconian, it is imposing the party over a Member of Parliament in a system. This may not be nationally transparent, because it belongs to that particular organisation. Restricting Members of Parliament from independently debating national issues in spite of party positions is not a good occurrence. You may have been elected through a party ticket but there may be times when you think it is not sufficient or good enough in the national interest to support a certain position. It should not be just your political party to expel you and therefore set the whole Nation into a process of electing a Member of Parliament, simply because your organisation has not agreed with your opinion.

The party has a right of recalling a Member of Parliament, in case he behaves contrary to the party's expectations. The Constitution should not go ahead to define for parties what to do their members.

I am saying this because I have belonged to political parties and I have been in this Parliament when we were under multiparty system. I have witnessed members crossing, and moving back and forth. The intention was to prevent this crossing but not to impose internal discipline of political parties into our national Constitution. Let that be an internal matter and it should not be included in the Constitution. Let the provision remain as it is.

THE DEPUTY CHAIRPERSON: Honourable members, as we proceed, I would like you to join me in welcoming citizens from Bumanya Sub County in Bulamondi who are in the gallery. Hon. Wambuzi and I represent them.

CAPT. (RTD) BYARUHANGA: Madam Chairperson, the additional information I would like to give –

THE DEPUTY CHAIRPERSON: To the minister?

CAPT. BYARUHANGA: Yes. Is that adding to what hon. Kawanga said, what is now happening in Malawi is such a colonial law, which has even led to the death of a Speaker.

MR AMAMA MBABAZI: Madam Chair, and honourable members, I must say that the impact movement has had on the life of hon. Kawanga is admirable; you can see he is reluctant to move. Under multiparty system as we all know, in fact where we have proportional representation, it is not the individual that matters, it is the party. It is the party, as hon. Kabwegyere said, that matters.

People have to choose the ideological stance of that political party that. In fact, in proportional representation, it is the party, which determines which individual represents a Constituency. They present a list, which they can change anytime. Therefore, thank you hon. Kawanga, you know I am a movementist so I appreciate your level of shifting. However, the point is that, if we have a multiparty system, it is the party and not the individual; and once the party expels you, then you have no basis to speak. You will have nobody to speak for.

MRS MUKWAYA: Madam Chairperson, point of procedure. We are aware that you are constrained with time. I want to appeal to the Chairperson and the minister so that we either vote for hon. Wacha or hon. Kinobe or retain what the minister wants and the move on.

DR. OKULO: Thank you, Madam Chairperson. I really would like to appreciate the eloquence with which hon. Kawanga defended the preferred recall. However, if you go back and read the provision for recall, the specified number of people who must sign is for the totality of the voters in the constituency. Why should the decision of a party become the issue of all the voters in a constituency, and all the people who are of other parties? I think recall is not adequate in this case.

Madam Chairperson, I support hon. Wandera's proposal. What would be the effect of a party expelling a person who is its Member in Parliament? The person will lose membership of his party and will have two choices. He will be independent, or if he chose to, he would cross the floor, and in the process would be caught up with the first provision. In this last case, he would lose automatically. So this is superfluous, because one; you are expelled and have no more entity in the House. Your only other entity is independence or crossing the floor, whichever two positions is covered in the first formulation, means you lose your seat. Let us not support this kind of thing. In the parties, there are some occasions when people really execute very arbitrary decisions. I really do not want us to give them a Constitutional license to do what ordinarily would have been challenged in the party itself.

MR RUHINDI: Madam Chairperson, allow me to speak on this provision, which has some salient political values I cherish.

At the risk of ever becoming a victim of what is going to be my proposal, I must say that it is high time we started thinking seriously about building institutions and systems in this country. *(Applause)*

If you belong to a party, you belong to a party. If the party decides to say we do not want you, they are the ones who organised your election to this Parliament. If you say to yourself, "When I reached Parliament I started representing the broader spectrum of Uganda", you would be right but you should remember that you belong to a party, which did everything possible to bring you to parliament. If you do not belong to it, stand as an independent candidate or any other forum recognised under the Constitution.

Having said that, we should start thinking about building institutions and systems. We must also find a way of protecting individual Members of Parliament. There was a mooted proposal running across the House, which was hearing, and I think that is the most appropriate way of doing it. One day what would be a party, may for instance *-(Interruption)*

MR OGOLA: I request Chairperson's permission to speak slowly because I have been incapacitated by illness. I wish to suggest that parties are institutions through which we get to Parliament in a democratic society. However, once in Parliament you have to go by the national interest generally *-(Applause)* and the national interest sometimes does not coincide with the party interest. However, as an individual representative, you have to judge between the national and party interests.

For instance, in Britain the other day when Prime Minister, Tony Blair wanted to join President Bush to invade Iraq, through the labour party, the Prime Minister was not able to get authority to invade Iraq. The majority of the party rebelled and did not give Blair any votes. The majority

votes came from the Conservative party who gave Parliament the permission to enable Prime Minister to invade Iraq. Therefore, the power of the party is not absolute; it is left to the national interest for each one of us to decide. If need be, you disagree with national interest.

MR RUHINDI: Madam Chairperson, I thank hon. Ogola for that information, but I think it was a substantive contribution. Let us put it this way, we embrace them the contributions of people pushing for national interest. For those us who say, “Let us also build systems and institutions” all we need to do is to protect the people. We protect them by altering rather than deleting the whole expression. We can put another expression after “expelled”. Alternatively, if he or she is expelled, under circumstances to be prescribed under the relevant law, it may be under the PPOA (The Political Parties and Organisations Act), from a party. This is because one day, the head of a party, a President of a party can write to the Speaker of the House and say, so and so has been expelled from the party. How would the Speaker respond to this kind of official communication?

Let us prescribe the circumstances of expulsion, thereby embracing the provision as it is and leaving institutions to play. If you take hon. Kinobe’s suggestion, it will be too long. First of all the party gets together to expel you and then, the matter goes back for recall. Meanwhile the very person who does not have any confidence in his party is still here with us in Parliament.

MR MADADA: Madam Chairperson, having listened to the debate on both sides, this is a very important and contentious matter. I beg that we stay over this issue for further consultations so that we do not rush through it and leave out good details that will benefit all of us.

THE DEPUTY CHAIRPERSON: Honourable Members, it would appear that the side for retaining the existing provision of the Constitution and the side for the amendment have not yet had a meeting point on this matter. Therefore, can we ask the Attorney General and the Committee, otherwise, we vote?

MR MWESIGE: Madam Chairperson, I beg to propose that we stand over this Clause and consult further.

THE DEPUTY CHAIRPERSON: So, Clause 26 is stood over.

Clause 27

MR OULANYAH: Thank you, Madam Chairperson. The Committee had proposed that in paragraph (c), we delete the proposed Clause 7, and the justification was to grant the voters the right of recall in all political systems. The Committee has since reconsidered this situation, the reason since if it is in a multiparty political system then you could have the losing political parties combining to recall somebody who has been voted in, in another political party, and that would not be healthy. Therefore, the committee has accordingly withdrawn this proposal.

THE DEPUTY CHAIRPERSON: Is no there more amendment from the committee? Any comment on 27?

DR KASIRIVU: Madam Chairperson, I would like to seek clarification from the Committee, concerning the right of recall. Are we providing for recalling Members of Parliament who have come to Parliament under Movement and Multiparty? How will independent candidates be recalled? How will those who represent interest groups be recalled?

MR OULANYAH: It is understood that under a multiparty system, all those representations will be based on political parties, whether they are workers or people with disabilities. So, even the method of discipline and withdrawal of Members of Parliament will have to follow those procedures, some of which have been stayed in the previous proceedings. However, this one is the right of recall –(*Interjection*)

THE DEPUTY CHAIRPERSON: Order, members, one at a time.

MR OULANYAH: This one is relating to the right of recall. Recall, as we know it now, is when the voters decide that they want to recall their representative from Parliament arising from whatever mistakes or incompetence that might have been shown in his conduct of business. So this situation is different and that is the reason I gave before. If you extend this to operate in a multiparty system, then it will get complicated.

For instance, if Uganda People’s Congress (UPC) has won and sent a candidate by 40 percent, which is the majority in that Constituency, and then Democratic Party (DP), National Resistance Movement (NRM) and others all together form 60 percent, the latter could gang up and ask for a recall. They would constitute the necessary percentage provided in the Constitution, and hence have the right to recall.

MAJ. RWAMIRAMA: Madam Chairperson, the clarification I want from the Chairman is, if that is the case, whether the party has dismissed you or not, they can still recall you using the present law so it does not cure it. Under the current circumstances, people can be recalled using Article 83 if they are not performing. If that is the case and you have the majority of them ganging together, they can recall you; they will collect signatures and recall you, unless you put safeguards.

MR DOMBO: Madam Chairperson, even under the Movement system we have had many people coming to Parliament with about 30 percent. However, the most overriding principle is that the recall is not about numbers; it is about the reasons for recall. Even where the parties are going to gather they will not just use the numbers, they must have reasons for recall. So why should we fear the numbers and only say it can only be under Movement system? We are afraid of other parties ganging up when the law provides for grounds under which somebody can be recalled.

THE DEPUTY CHAIRPERSON: Honourable Chairperson, if this remains as it is, won’t you give the impression that there is nothing wrong misrepresenting your Constituents in the multiparty system. Nobody will recall you, but if you are in the Movement, woe upon you if you do not represent them adequately? Isn’t that what you are saying? I think you are creating a license.

MR WANDERA: Madam Chairperson, the importance of the provision, “Power belongs to the people” has been propounded in this House time after time. I am disappointed that the very proponents of this now want to take away power from the people.

MRS MUKWAYA: Madam Chairperson, I want to inform my colleague that the power that was not given by the same Constitution is what diverts the people. However, power that has been given by the same Constitution to different organs is not for the people.

MAJ. KINOBE: Madam Chairperson, I am seeking your guidance. When I look at the input of this Clause we are considering and relate it to the one we have just stood over, I find that the output is almost the same. Is it not procedurally correct to stand over this until we sort out the

other because one of the reasons in the Clause we have just stood over can be pushed to this to constitute the ground for recall by the party? Since they are closely related, I suggest that procedurally we stand over these two, conclude and come back tomorrow.

THE DEPUTY CHAIRPERSON: Honourable members, these matters should really have been discussed in the general debate. The more we stand over many things, the more we shall get into trouble. Can you justify your proposal and move on?

MR MWESIGE: Madam Chairperson, the proposal in this Clause is that recall by the entire electorate should be restricted to the Movement political system, because under this system, a candidate is elected to Parliament on individual merit. In other words, he comes from the entire population. Under the multiparty political system, a candidate really emerges from his party and represents his party. So that is the background against which we introduced the amendment in clause 27.

THE DEPUTY CHAIRPERSON: But honourable minister that is why I asked you, are you not creating a license that under a multiparty there is no possibility of recall? You are creating a license if it remains as it is.

MR MWESIGE: Madam Chairperson, that is the very reason we had provided in Article 26, that people who disgrace the image of their political parties by gross misbehavior should be expelled, and once expelled they should vacate their seats in the House. So clearly under the multiparty Political system, the party should have a hand in monitoring the behaviour of its members, because it is in the interest of the party that a Member of Parliament represents his Constituency. If a Member of Parliament is not doing what they sent him to do in Parliament, the party should expel him, after which he automatically loses his seat.

DR BULAMU: Madam Chairperson, I have been listening very attentively. The powers of the party is losing, if you say the party is the one that has the power to expel and, therefore, consequently lose the seat then you cannot talk about other parties joining together to expel. It is as if we have come here on merit, if other parties can join to recall then there is no use of building a specific institution of a party.

We should stick to the gist of empowering the ideology of a party and a party having the power to discipline its members. By disciplining its members, it withdraws the motherhood and sends the members to the electorate. The electorate has the power to look at these members and determine whether they are worth another party. We should not continue to refer to these things and mix them with the party ideology and discipline.

THE DEPUTY CHAIRPERSON: Honourable members, the minister has provided for this because under a party system. The party, which brings you, is the one that has control over you and it can even expel you. Under the Movement you come on individual merit, that is when the other people have the right to recall you.

MR MAWIYA: Thank you, Madam Chairperson, I understood your guidance on this matter and what the Minister said. However, under the multiparty politics we are also going to have independent candidates; how is an independent Member of Parliament recalled?

THE DEPUTY CHAIRPERSON: Honourable minister, how do you recall an independent member?

MR MWESIGE: Madam Chairperson, the effect of this amendment if adopted is that there will be no recall in a multiparty party system. In the multiparty political system, there will be mechanisms within the parties to discipline their members both inside and outside Parliament. Therefore, the bottom line is that there will be no recall in the multiparty political dispensation. The Constituency will, directly control whether individuals or representatives of parties will be recalled, as we know it now.

THE DEPUTY CHAIRPERSON: Honourable members, is that clear?

HON. MEMBERS: No

THE DEPUTY CHAIRPERSON: Honourable members, what the Minister has said are, the general electorate under the multiparty system will not be able to recall a member. Let us vote.

MR DOMBO: Thank you very much, Madam Chairperson. At the advent of the Movement system, one of the disadvantages the people in respective constituencies had was the tendency of Members of parliament only respecting and having association with the small group of people who nominate them to become candidates. People will use money influence to relate with the Committee that nominate them and disregard the entire constituencies.

Article 84 in the Constitution clearly spells out the reason for which a member can be recalled and those reasons are as valid under a multiparty system as they are valid under a Movement system. What the honourable minister is saying can only be valid under proportional representation where a party handpicks a person to bring to Parliament. However, where all members of the constituency have voted you and you have deserted them, you have had mental incapacity, or you have behaved contrary to their expectations, the people should definitely have a right to do something or even recall you.

MR LUKYAMUZI: Madam Chairperson, we are discussing a very important point and the Attorney General has totally failed to meet the demands of the matter on the Floor of the House. If party X nominates you to stand in Constituency P, it is not only the members of that party who will vote for you. If you are a good candidate, you can woo all and get their vote. Therefore, why should those who have not voted you have the right to recall you? The Attorney General has been adamant on that and we need an explanation.

MR MABIKKE: Madam Chairperson, the wording of this Clause presupposes the fact that there would be no independent candidates. I think whether it is Movement or multiparty system, there is also provision for independent candidates, we cannot assume that the next Parliament will have no members who are independent. If we get independent Members of Parliament, what will be the procedure for their recall?

We seem to be confusing two systems, I heard the honourable Minister of Defence talking about proportional representation. Under proportional representation, a party handpicks a candidate whom it recommends to Parliament. However, under the system we adopted and according to international standards, it is only three out of 10 voters who actually have political affiliations all over the world.

This means that if there was an election between DP, UPC and NRM, only three persons out of ten would belong to either party. The seven are basically swing voters. If a Movement or DP candidate is elected, it does not mean that it is only people of a respective party who have elected him, it will be his capacity and appreciation of the swing voters.

I am giving crucial information, Madam Chairperson. The argument is that it is important for us to have a process of recall; it will not only be *-(Interruption)*

MR WAMBUZI: Madam Chairperson, I have listened to hon. Mabikke and hon. Dombo. A few minutes ago, the same gentlemen were arguing that the Members of Parliament should not be recalled at all and we even suspended Article 26. Now, when the Attorney General stood up, he said, “In fact this Article, which you are about to ask us to vote about, will help Members of Parliament to become stronger, because the recall will be so tedious.” Now, is hon. Mabikke in order to confuse this House the second time?

THE DEPUTY CHAIRPERSON: Honourable members, I think we are all grappling with the Movement in our hands and the future under multiparty system. I know we all have a problem. So, let us listen to one another and understand what we are doing.

MR MABIKKE: Madam Chairperson, by way of summary, the right to recall must be maintained because the power belongs to the people and not political parties.

THE DEPUTY CHAIRPERSON: So you are saying that, even if the party expels you, you must still go back to Busoga and the real people either recall you or reject you.

MR SEBUNYA: Madam Chairperson, I stand in Kyandondo North on a Movement ticket and misbehave; is the implication that Salaamu Musumba’s FDC can also participate in this, is that what it means?

MR WACHA: Thank you very much, Madam Chairperson. It is unfortunate that we are discussing this after political parties have been dormant for over 20 years. What is causing us many problems is that many of us here do not appreciate the way our political parties operate. I want to state that in a multiparty system, the contest does not stop on the day of elections. It does not stop when a Member of Parliament or a President is elected. The contest continues until the next elections. Therefore, if you gave a political party a chance of short circuiting elections, it would do everything possible to get it. That is why it is very dangerous to have power of recall in a multiparty political system.

Even when we were providing for the power of recall in the in Constituent Assembly, we were very careful. We made it very difficult for that provision to be abused. We insisted on at least two-thirds of all the registered voters. We knew it would be difficult for an individual to go around the constituency and collect two-thirds of the registered voters. Giving that power to an organised group with money, is legislating for permanent chaos in the electoral process of this country.

If my party loses in Oyam North, the next day I will run to my headquarters and collect signatures. Even if the reason, we are going to give is not good enough, we would have caused uncertainty in that constituency. We will make it impossible for that member to work. That is why I support the move by the minister that we leave it as it is, only during the Movement political system.

THE DEPUTY CHAIRPERSON: Honourable members, I think the matter is clear. The reasons for and against have been given. I now put the question that Clause 27 do stand part of the Bill.

MR SSENKO: Madam Chairperson, that issue was not answered. I am sorry to come up. I want to be assisted.

MR DOMBO: Madam Speaker, I would like to seek guidance because, the Article 26, which was stood over by this House directly impeaches on this one. One of the recommendations under the Article 26, on which the Attorney General and the Chairman are going to consult, was whether a party can initiate a recall. Since this issue has not been resolved, don't you think by voting on this we indirectly undermine or influence the outcome on the other?

THE DEPUTY CHAIRPERSON: No, I think the minister has been very clear that under a multiparty system, the recall that you have in mind cannot happen. I do not think he will now go against his own thinking to do something else. Honorable members, let us vote –(*Interruption*)

DR EPETAIT: Madam Chairperson, I am seeking to amend Clause (a), which is talking about at least to replace the two thirds by 50 percent. I think the provision, which was made in the Constitution of two thirds of all the registered voters should remain rather than bringing it down to 50 percent, if we are to use the same argument that has already been advanced.

MR WACHA: Madam Chairperson, I think we have a problem of appreciating what this amendment is all about. Let us read, 'Article 84 of the Constitution is amended, (a) in Clause 3 by substituting for the words "at least two thirds of the registered voters of the constituency." And (b) by inserting immediately after Clause (6) the following-

Madam Chairperson, I think procedurally you take us one by one so that we appreciate the import. Let us go one by one (a) and (b)

MR MWESIGE: Madam Chairperson, I was about to rise to concede to hon. Epetit's amendment and therefore we would vote on his amendment first by show of hands and then proceed to vote on the clause. That is the procedure that I propose we follow.

MR SSENKO: Madam Speaker, I want to be assisted because if the minister says that under a multiparty system we cannot have the recall then what will happen to independent Members of Parliament. He did not explain. I would imagine since they are elected by all the people in the constituency then all the people should have the right to recall them if they misbehave. The Minister did not make it clear; he left it in the open.

THE DEPUTY CHAIRPERSON: Honourable minister, after a party has expelled a member, do you intend to extend a further right to the population to endorse what the party has done?

MR MWESIGE: No, that is not my intention. My intention is very clear, in the Bill that our proposal in the preceding clause, which we did not pronounce, ourselves, among other reasons a Member of Parliament would vacate his seat if expelled by his party. An independent member can only vacate his seat if he crosses from being independent to joining a political party. That is the only ground an independent member would lose his seat.

We cannot prescribe different standards for different Members of Parliament under the same system. If there is no right of recall for Members of Parliament who represent political parties, there cannot also be recall for independent members. Otherwise, you would be going back to the Movement Political System. So I do not see the contradiction, what this amendment seeks to provide for is that the right of recall as we know it in the Constitution shall only subsist under the

Movement Political System and I was conceding to his amendment to retain the standard of two thirds of registered voters to initiate the recall.

I propose that we proceed to vote on his amendment to which I have conceded and in effect, he is proposing to delete (a), that is the gist of this amendment and then we vote on the clause.

THE DEPUTY CHAIRPERSON: Honourable Minister, the two thirds is what is in the Constitution so if you are conceding to this, it means there is no amendment. So, do we delete (a)?

MR MWESIGE: His proposal is to delete (a) to which I concede. Therefore, we could proceed to vote on that.

THE DEPUTY CHAIRPERSON: Honourable members, I put the question –(*Interruption*)

HON. MEMBERS: Proposed amendment –(*Interruption*)

THE DEPUTY CHAIRPERSON: On (a) or (b)?

HON. MEMBERS: On (b)

THE DEPUTY CHAIRPERSON: Let us vote on (a) first. Honourable members, I put the question that clause 27(a) be deleted as proposed by hon. Epetait.

(Question put.)

(The Members voted by a show of hands_)

THE DEPUTY CHAIRPERSON: Honourable Members the results are: Ayes – 172, Noes – 0, Abstentions - 0

(Question put and agreed to.)

DR. TUMWESIGYE: Madam Chairperson, on (b) the Attorney General said that independent Members of Parliament could only vacate their seats when they cross. However, it is very clear a Member of Parliament can suffer physical or mental incapacity, misconduct or misbehaviour, persistent desertion of the electorate even under the multiparty system. Therefore, I wish to propose that under (b), we should say the right to recall a Member of Parliament shall apply to Members of Parliament elected as independent members or under the movement political system. In other words, we combine the rate of recall to apply to the movement political system as well as those elected as independent candidates. Otherwise, we shall have a problem with candidates whom we cannot recall despite the challenges faced by their constituents.

MRS ZZIWA: Thank you very much, Madam Chairperson. My concern is, when we leave out the independent candidates, the post for independent candidates will be more lucrative. You are going to see more members opting to stand as independent candidates other than subscribing to particular parties, yet it is –(*Interjection*)

THE DEPUTY CHAIRPERSON: Order, members.

MRS ZZIWA: The reason we are moving from the Movement political system is to check on the individual members who have excessive behaviour. We are trying to introduce the values of multipartism in good governance. It will be very good if we look towards those independent candidates who come in for other reasons and make provisions for their constituencies to have some kind of control, where the conditions stipulated have applied. Therefore, I want to support hon. Tumwesigye.

MR MBABAZI: Thank you, Madam Chairperson. Hon. Tumwesigye's amendment is already catered for. Article 83(1) b reads as follows, "*A Member of Parliament shall vacate his or her seat in Parliament if such circumstances arise that if that person were not a Member of Parliament would cause that person to be disqualified for election as a Member of Parliament under Article 80 of this Constitution.*"

Article 80 (2) says, a person is not qualified for election as a Member of Parliament if that person a) is of unsound mind and so on and so forth. [Hon. Kawanga: "Where are you reading that?"] I have read Article 80; I can read it again, if you do not believe it.

DR. TUMWESIGYE: Madam Chairperson, Article 80 only talks of unsound mind. However, Article 84 concerns details like persistent desertion of the electorate, misconduct and misbehaviour. I do not know what harm it would cause if we made it Article 84(7).

DR. EPETAIT: Madam Chairperson, I understand that to mean that in the Movement political system everyone comes as an individual, on individual merit and is therefore an independent candidate. I do not see why we must labour again to add independence of a candidate, because in a Movement political system, everybody is independent; that is what I understand it imply.

THE DEPUTY CHAIRPERSON: No, honourable members, earlier we dealt with a Clause concerning independent candidates. There will be independent candidates in a multiparty system.

MR MUZOORA: But, Madam Chairperson, that means we are leaving out independent candidates. The electorate will be left unprotected if we do not cater for independent candidates. We should therefore, put a law that protects the electorate, which has brought up that candidate.

PROF. KABWEGYERE: Madam Chairperson, I would like to inform this House that independent candidature is more difficult than party candidature. The fear that hon. Zziwa and others have that this country is going to be overrun by independent candidates is far-fetched.

MR OULANYAH: Madam Chairperson, clause 27 that is amending Article 84, relates to recall, and we have already partially said, recall should only be applicable to the Movement political system. We have just stood over Clause 26, which will regulate the conduct of what will be the nature of discipline to be taken on Members of Parliament who are elected under a multiparty political system. I propose that in the re-drafting, the concerns of hon. Tumwesigye should be taken care of in that clause which is relevant to an election.

THE DEPUTY CHAIRPERSON: Okay. So can the minister, the chairperson and those interested work together on Clause 26. I put the question.

MR ARUMADRI: Madam Chairperson, I would like to inform the House about another scenario. I have been in the Constituencies of many of my Colleagues. I have heard people say, "We do not care where you are, whether you are in Movement, FDC or DP we shall vote you."

How do we disenfranchise some of the Ugandans who do not care where their candidate is as long as they like them? Therefore, it is not good to take away the power of recall from them.

MR NASASIRA: Madam Chairperson, I rise on a point of procedure and just in support of the chairman of the Committee. We have stood over Clause 26 of how Members of Parliament can be disciplined or removed from Parliament. We have deleted clause 27(a) and gone back to what is in the existing Constitution. All we are trying to do now is vote on 27(b), which will now be clause 27 alone. Just state that under multiparty, you will not recall people using voters. How Members of Parliament can be disciplined when they misbehave in Parliament will be dealt with under Clause 26, which we have stood over. So procedurally, Madam Chairperson, why don't we vote on Clause 27 and finish?

THE DEPUTY CHAIRPERSON: I put the question that Clause 27 as amended do stand part of the Bill. *(Interruption)* We are voting.

MR ALINTUMA NSAMBU: Madam Chairperson, Article 27(b) says, "A Member of Parliament shall only exist while the Movement Political system is in operation". I would not have had a problem with that, but since we have stood over 26, which provides for a multi-party political system, it therefore means that once we vote on this, we shall automatically give a bearing to Article 26 and that we are pre-empting it and *-(Interruption)*

THE DEPUTY CHAIRPERSON: Honourable member, resume your seat. We have been talking about that for the last one-hour.

(Question put.)

AYES:

1. AACHILLA JOHN ROBERTS
2. AANIMU ANGUPALE
3. AEL ARK LODOU
4. AHABWE PEREZ
5. AKECH OKULLO BETTY
6. AKWERO ODWONG JANE
7. ALASO ASIANUT ALICE
8. ALI MOSES
9. ALINTUMA NSAMBU JOHN
10. ALISEMERA BABIIHA JANE
11. ALONGA OTHMAN HARUNA
12. AMAJO MARY ORIEKOT
13. AMAMA MBABAZI
14. AMONGI BETTY ONGOM
15. AMONGIN APORU HELLEN
16. AMURIAT OBOI PATRICK
17. ANANG-ODUR LAKANA TOMSON
18. ANDRUALE AWUZU
19. ANGIRO GUTOMOI CHARLES
20. APUUN PATRICK
21. ARAPKISSA YEKKO JOHN
22. ARUMADRI JOHN DRAZU
23. ATENG OTIM MARGARET

24. ATIM OGWAL CECILIA
25. ATWOOKI KASIRIVU
26. AWONG AHMED
27. AWORI SIRYORI AGGREY
28. BABA DIRI MARGARET
29. BABU EDWARD FRANCIS
30. BAGUMA ISOKE MATIA
31. BAKKABULINDI CHARLES
32. BAKOKO BAKORU ZOE
33. BALEMEZI NALUBEGA LYDIA
34. BAMWANGA STEVEN
35. BANYENZAKI HENRY
36. BASALIZA MWESIGYE S.
37. BAZAANA KABWEGYERE T.
38. BBUMBA SYDA NAMIREMBE
39. BEISISIRA IGNATIUS
40. BIKWASIZEHI DEUSDEDIT
41. BINTU JALIA
42. BITAMAZIRE NAMIREMBE
43. BITANGARO SAMUEL
44. BULAMU JOHN RICHARD
45. BWERERE KASOLE LWANGA
46. BYABAGAMBI JOHN
47. BYAMUKAMA DORA
48. BYANYIMA NATHAN
49. BYARUHANGA CHARLES
50. DOMBO EMMANUEL LUMALA
51. EKANYA GEOFFREY
52. EPETAIT FRANCIS
53. ERIYO JESSICA
54. ETONU BENEDICT
55. GOLE NICHOLAS DAVIS
56. GUTTI ANDREW
57. HYUHA SAMALI DOROTHY
58. KABAREEBE AMON-REEVES MUZOORA
59. KAFABUSA WERIKHE MICHEAL
60. KAJEKE WILFRED
61. KAJURA MUGANWA HENRY
62. KAKOKO SEBAGEREKA VICTORIA
63. KAKOOZA JAMES
64. KALULE SSENKO EMMANUEL
65. KAMANA WESONGA EDWARD
66. KAMANDA BATALINGAYA COS
67. KAMUNTU EPHRAIM
68. KASAMBA MATHIAS
69. KASIRIVU ATWOOKI
70. KATONGOLE BADRU
71. KATUNTU ABDU
72. KATURAMU HOOD KIRIBEDDA
73. KAWANGA JOHN BAPTIST
74. KAWOYA BANGIRANA ANIFA

75. KAYIZZI ASANASIO
76. KEZIMBIRA MIYINGO LAWRENCE
77. KIBIRIGE SEBUNYA ISRAEL
78. KIDEGA DANIEL FRED
79. KIGYAGYI ARIMPA JOHN
80. KINOBE JIMMY WILLIAM REUBEN
81. KITHENDE KALIBOGHA APOLINARIS
82. KITYO HENRY MUTEBI
83. KIWAGAMA WILLIAM WILBERFORCE
84. KIWALABYE MUSOKE DANIEL
85. KIWANDA GODFREY
86. KIYONGA CHRISPUS WALTER
87. KIZIGE MOSES
88. KOLUO CHARLES PETER
89. KUBEKETERYA JAMES
90. KULE MURANGA JOSEPH
91. KYAHURWENDA ABWOOLI TOMSON
92. LOCHIAM MILIGAN ROSE
93. LOKERIS APARITE PAUL
94. LOKERIS PETER AIMAT
95. LOLEM MICAH
96. LUBOWA MOSES PAUL
97. LUKYAMUZI JOHN KEN
98. LULE MAWIYA UMAR
99. LWANGA MUTEKANGA TIMOTHY
100. LYOMOKI SAM
101. MAATE ROGERS
102. MADADA KYEBAKOZE SULAIMAN
103. MALINGA JOHNSON
104. MALLINGA STEPHEN OSCAR
105. MASIKO KOMUHANGI WINFRED
106. MATOVU BYATIKE
107. MATOVU DAVID
108. MAYENDE SIMON
109. MBABAZI KABUSHENGA HAMLET
110. MEHANGYE IDAH
111. MIGEREKO DAUDI
112. MINDRA JOYO EUGENIA
113. MUGAMBE KIFOMUSANA JOSEPH
114. MUGERWA NAMAGGWA SAUDA
115. MUHWEZI KATUGUGU JIM
116. MUJUZI PIUS
117. MUKAMA FRANCIS JOSEPH
118. MUKASA ANTHONY HARRIS
119. MUKASA MURULI WILSON
120. MUKULA RICHARD
121. MUKWAYA BALUNZI JANAT
122. MULENGANI BERNARD
123. MUTULUZA PETER CLAVERI
124. MWAKA NAKIBONEKA VICTORIA
125. MWANDHA JAMES ELIEZER

126. MWESIGYE ADOLF
127. MWESIGYE RUHINDI HOPE
128. MWONDHA PATRICK
129. NABETA NASANI
130. NACHA LORIKA ROSE
131. NAMUYANGU KACHA JENIPHER
132. NANKABIRWA SSENTAMU RUTH
133. NANSUBUGA SARAH NYOMBI
134. NASASIRA JOHN
135. NAYIGA FLORENCE SEKABIRA
136. NDUHUURA RICHARD
137. NSABA BUTURO JAMES
138. NSHIMYE SEBUTULO AUGUSTINE
139. NSUBUGA WILLIAM
140. NYANZI VINCENT
141. NYENDWOHA MUTITI JONATHAN
142. OBBO HENRY JOSEPH
143. OCHIENG PETER PATRICK
144. ODI JOHN
145. ODONGA OTTO
146. ODONGO JEJE
147. OGOLA AKISOFERI MICHEAL
148. OJOK B'LEO
149. OKOT OGONG FELIX
150. OKOT SANTA
151. OKULO EPAK YEFUSA
152. OKUMU RINGA PATRICK ALOYSIUS
153. OKUPA ELIJAH
154. OKURUT KAROORO BUSINGYE MARY
155. OLUM ZACHARY
156. OMACH MANDIR JACHAN FRED
157. OMODI OKOT
158. ONEK OBALOKER HILARY
159. OPANGE LOUIS
160. ORECH DAVID MARTIN
161. OULANYAH JACOB
162. OWEL LOOTE SAMMY
163. OWORI AMOOTI OTADA
164. RAINER KAFIRE JULIET
165. RUHINDI FREDDIE
166. RUKUTANA MWESIGWA
167. RUTAMWEBWA MUGYENYI MARY
168. RWAKIMARI BEATRICE
169. RWAMIRAMA KANYONTOLE BRIGHT
170. SABIITI JACK
171. SAIDI OKUTI NASUR
172. SEBAGGALA LATIF
173. SEBALU MIKE KENNEDY
174. SEBULIBA MUTUMBA RICHARD
175. SEKITOLEKO JULIET KABONESA
176. SINABULYA NAMABIDDE SYLVIA

177. SSENTONGO NABULYA TEOPISTA
178. TIBARIMBASA AVITUS
179. TUBBO NAKWANG CHRISTINE
180. TUBWITA BAGAYA GRACE
181. TUMA RUTH
182. TUMWESIGYE ELIODA
183. WABUDEYA MUKAYE BEATRICE
184. WACHA BEN
185. WADRI KASSIANO EZATI
186. WAGONDA MUGULI JOHN WILSON
187. WAKIKONA WANDENDEYA DAVID
188. WAMBUZI GAGAWALA NELSON
189. WANANZOFU SIMON PETER
190. WANDERA MARTIN
191. WONEKA OLIVER
192. WOPUWA GEORGE WILLIAM
193. YIGA ANTHONY
194. ZZIWA MARGARET NANTONGO

NOES:

1. SSEKIKUBO THEODORE

MR RUHINDI: Procedure, Madam Chairperson.

THE DEPUTY CHAIRPERSON: No, honourable member. Please allow us to tally.

MR RUHINDI: Madam Chairperson, I want to say something that does not prejudice the counting of results. I think that we should consider starting with the last person on the list to avoid this kind of monotony. (*Interjections*) I have the right for a fair hearing, you know.

THE DEPUTY CHAIRPERSON: Honourable members, when we started this roll call, we said that we would proceed in the alphabetical order and it does not start from the bottom.

MR MUZOORA: Madam Speaker, it will still be alphabetical order so long as you follow properly from 'z' to 'a'.

THE DEPUTY SPEAKER: Hon. Muzoora, when you were in nursery school, what did they teach you about the alphabet?

MR MUZOORA: They told me there were 26 letters, consequently following each other from either 'a' or 'z'. (*Laughter*)

THE DEPUTY CHAIRPERSON: Honourable members, 194 members voted "Aye", one voted "No" and there was no abstention.

(Question agreed to.)

Clause 28

THE DEPUTY CHAIRPERSON: There is no amendment for Clause 28.

MR ANANG ODUR: Madam Chairperson, which clause are we on?

THE DEPUTY CHAIRPERSON: Clause 28.

MR ANANG ODUR: Madam Chairperson, I read recommendations of the committee on this issue, on page 12, paragraph (b). The committee actually recommended that this proposal be dropped because it subjects Article 85 of the Constitution, which empowers parliament to make emoluments in relation to members of parliament, to Article 93. The effect of this proposed amendment is to take away the power of parliament to make provisions for emoluments, gratuities and facilitation of members of parliament.

I think that this is not consistent with the principle of separation of powers between the Executive and Parliament. Therefore, I wish to move an amendment to delete the proposed amendment that reads, "28(1) subject to Article 93 of this constitution". I wish to move that this be rejected.

THE DEPUTY CHAIRPERSON: Okay, we can delete it but what will happen after we delete?

MR ANANG ODUR: Madam, when we delete this, we shall retain Article 85, which is in the constitution as it is now.

THE DEPUTY CHAIRPERSON: Honourable members, the proposal is that we do not touch the existing article at all but that we retain the original.

MR MWESIGE: Madam Chairperson I oppose the amendment for the following reasons. The amendment in Clause 28 does not take away the power of parliament to determine its emoluments. The only introduction we are making is a Motion for a resolution so that determination of emoluments for members of parliament will now be moved in parliament for parliament's approval by Government in accordance with Article 93. (*Interruption*)

The reason for this proposal, Madam Chairperson, is that we recognize that parliament appropriates the budget but we also recognize that Government manages the budget. That is to say, Government manages the resource envelope that finances proposals to do with emoluments of honourable members of parliament. That is the reason behind this amendment and it is in good faith. After all, the resolution although moved by Government will be passed by parliament itself.

DR OKULO: Madam Chairperson, I wish the honourable minister could tell us how the entire budget of parliament is dealt with? If the Commission has the right to prepare the budget for the entire parliament, what is this business of remuneration?

Secondly, Madam Chairperson, I am bringing an amendment on Article 93 just to make sure that our constitutional right to legislate and to allocate resources is not violated. I think the amendment that has been moved is in anticipation of what may come when I move an amendment on Article 93, which I think will be supported. I thank you.

MRS. ZZIWA: Madam Chairperson, thank you. I wanted to seek clarification but I think I can now move on and find out from the honourable minister the situation as it was provided for in the constitution before this amendment. Where there any problems which you are seeking to solve by introducing this kind of amendment? I think that under the current circumstance, there have been wide consultations between parliament and the Executive because we know that the Executive

manages the kit. Therefore, I do not know what you are trying to cure but I think that we should stay with the current Article as it is.

MR OULANYAH: Madam Chairperson, the proposal for this amendment in the Bill has a little history. The history is that there has been an unfounded fear that has been passed to Executive that parliament may just wake up one day and increase its salary without consultation. That fear I say is unfounded *-(Interruptions)*

THE DEPUTY CHAIRPERSON: Honourable members, the chairperson is explaining his understanding of this situation.

MR OULANYAH: That fear is unfounded Madam Chairperson. Originally, this proposal in the Government White Paper led to the introduction of the Salaries and Remuneration Board. The Omnibus Bill also maintained the Salaries and Remuneration Board. The committee had to make its point clear to the Executive that it is not necessary to bring this amendment because Article 85 cannot stand independent of Article 93.

That is why, Madam Chairperson, the committee had made recommendations first to reject the original proposals on the Salaries and Remuneration Board which were in the original Bill. There is an overflow of that in the paragraph that has been quoted on page 12.

The committee finally came to the conclusion that this amendment is not necessary because there are no circumstances under which parliament can pass a resolution without the approval of Cabinet. Even in determining salaries of members of parliament or their remuneration, this is done by the Parliamentary Commission, in the attendance of the Prime Minister and the Minister of Finance sits. Therefore it is not possible that any resolution of this nature can be passed without the approval of Government.

MR EKANYA: Madam Chairperson, I just want to say that there is an omission of one word in the original constitution. This is serious. Can we add to the original constitution the words ‘and pension’ and say ‘such gratuity and pension as Parliament shall determine’.

THE DEPUTY CHAIRPERSON: Honourable members, the recommendation is that we delete Article 85(1) as being superfluous because the Government is in any case involved in our budgeting.

MR RUKUTANA: Thank you Madam Chairperson. As a part of the team that has managed the Budget for the last four years, I want to make two points.

One is that the proposed amendment does not in any way take away parliament’s power to determine its emoluments. However, it is meant to harmonize the working of parliament and Government. I have heard from hon. Margaret Zziwa and the chairperson of the committee that there have been unfounded fears. Madam Chairperson *-(Interruption)*

PROF. LATIGO: Point of clarification *-(Interruption)*

MR RUKUTANA: But I have not made my point. What am I supposed to clarify?

PROF. LATIGO: It is arising from what you have said. Madam Chairperson, I have heard not only the Minister of Finance but also the Attorney General refer to Government and parliament. Since when has parliament ceased to be part of Government?

CAPT. BYARUHANGA: Madam Chairperson, is the minister aware that there is a Budget Act which was enacted by this parliament and is he aware of the role of parliament in that Budget Act?

MR RUKUTANA: Madam Chairperson, parliament is part of Government but here I meant the Executive. Also, I know the provisions of the Budget Act because I have implemented it for almost four years now. What I want to say is that the concerns that resulted from this amendment have not been unfounded. As the honourable chairperson of the Budget Committee hon. Margaret Zziwa has said, there have been consultations but I want to say that the consultations have been hard and constrained, to put it mildly.

What we are trying to say is that since it is the Executive that operates the Budget and since it is the Executive that knows what is in the confers, let the Executive present the Bill – *(Interruption)*

MR BYABAGAMBI: Madam Chairperson, I am forced to move the Motion under our Rules of Procedure, Rule No.59. It says, “*If a member persists in irrelevant or tedious repetitions or uses objectional words...*” -. Therefore, I move the Motion that the member should not be heard. *(Laughter)*

THE DEPUTY CHAIRPERSON: Honourable members, this matter is very simple. Hitherto, parliament has cooperated very well with the Executive. I recollect that the Motion under which we operate in this parliament was moved by one of the ministers of finance under Article 93. Therefore, it has already being done and what you are proposing is superfluous.

MR DOMBO: Madam Chairperson, I wish to move on a point of order. According to what you have just said to this House, the honourable minister is on record on the *Hansard* as having asserted that the negotiations between the Executive and parliament have been strained. This has never been reported here and you have just reported to the contrary. Is it in order for us to have this on the *Hansard* and is the honourable minister in order to mislead this House and imply that there has been a strained relationship between the Executive and parliament?

THE DEPUTY CHAIRPERSON: Honourable minister, what you have said implies that the Speaker is a very difficult person and has been very difficult to the Government and that is not the position. Please withdraw.

MR RUKUTANA: Madam Chair *-(Interruption)*

MEMBERS: Withdraw, withdraw.

MR RUKUTANA: No. I have nothing to withdraw.

MR MWESIGE: Madam Chair, in light of your guidance and the concerns of members, I would like to concede to hon. Odur’s amendment.

THE DEPUTY CHAIRPERSON: Honourable members, order. Since we are only deleting what has been proposed and not interfering with the constitution, let us vote by show of hands.

(Question put)

(The Members voted by a show of hands_)

THE DEPUTY CHAIRPERSON: Honourable members, those who voted 'Aye' are 139, no one voted against and there were no abstentions.

(Question agreed to.)

THE DEPUTY CHAIRPERSON: For the comfort of hon. Ekanya, the Minister of Public Service is bringing a Pensions Act, which will handle those other matters. He is here and he can confirm that he is bringing the law.

MR WACHA: Madam Chairperson, I am fully aware that the Second Deputy Prime Minister is about to bring a Pension Bill in respect of members of parliament. However, if we do not fortify that law, we could be opening ourselves up for audit queries. I propose that we add an addition to Article 85 so that Clause 1 reads as follows, 'A member of parliament shall be paid such emoluments, gratuity and pension and shall be provided with such facilities as may be determined by parliament'. I beg to move.

THE DEPUTY CHAIRPERSON: Honourable members, we deleted that and we have gone back to the original Article 28 as it stood in the constitution. However, there is a proposal to specifically add 'gratuity' and 'pension'.

MR WACHA: Madam Chairperson, Article 85 already provides for gratuity. I am just adding the word 'pension'.

THE DEPUTY CHAIRPERSON: Honourable members, those in favour –

MRS MUKWAYA: Madam Chairperson, I want to be clarified by the Attorney General. In the standing orders, you cannot be a beneficiary of both gratuity and pension. I seek clarification on that.

MR MWESIGE: Madam Chairperson, since this amendment has not been served to Government, it has not been circulated. I think it is fair that we stand it over and discuss it more excessively so that we can arrive at a judicious verdict on this amendment. I would like to appeal to you, Madam Speaker, to stand it over so that we can think deeper on it.

MAJ. RWAMIRAMA: Madam Chairperson, I have deflated. I have heard that the Prime Minister is about to bring the Bill. Is it true that he bringing this Bill? If he is then why do we want to stay it over? We are simply providing it but we are not talking about figures yet it is the principle.

PROF. NSIBAMBI: Madam Chairperson and honourable colleagues, you should remember that the Executive is also paid just as members of parliament are. We should not injure our image by rushing over this matter. I want to inform you and you may kill me. Do not do this because it is against your interest. *(Interruption)*

MR DOMBO: Thank you very much, Madam Speaker. The conduct of Business in this House is ably presided over by the Speaker and according to the Rules of Procedure. The honourable Prime Minister, whom I respect very much, has just used words which imply that members of parliament can actually kill him yet we have never killed anybody. That is imputing an improper motive on members of the House and also creating a bad impression of our image outside. Is the

honourable Prime Minister in order to impute that members of parliament can actually kill him for making a submission, which submissions he usually makes yet we have never killed him?

THE DEPUTY CHAIRPERSON: Honourable members, admittedly I think that the matters we are discussing are of a very intricate nature because it is unusual for the Prime Minister to get charged. *(Laughter)* Let me assure you honourable members, that as long as the Speaker is in the Chair, neither the backbenchers nor the frontbenchers will be allowed to kill anybody. So, let us cool down and discuss in the usual way.

MR NASASIRA: Thank you, Madam Chairperson. We have just deleted the amendment under Clause 28 which was going to amend Article 85 and link it to Article 93 and Hon. Wacha was raising the issue of pension. Really, nobody is arguing that this matter of pension has not been discussed over time and that the Bill is coming. I think that for parliament to look procedural and proper, because we are not alone here the world is watching us, hon. Wacha should write his amendment since you know it will pass anyway.

He should table his amendment so we discuss and vote on it properly so that it does not look as if something has been added in then we rise up. I am simply suggesting that we handle everything neatly and vote over it neatly. I beg members to move slowly.

MR BYANYIMA: Madam Chairperson, we are all very mature people here. This morning we passed Clause 20, which was about the secret ballot. We all know that even LC1s have been using a secret ballot but we agreed that parliament would decide, depending on the prevailing circumstances. This shows that we trust this parliament to make a decision at a right time. The fact is that we have been waiting for the Prime Minister for four years on the pension issue. We do not want to go outside the boundaries. We all want this particular principle in the constitution. I thank you.

PROF. KAMUNTU: Madam Chairperson, thank you very much. This article is a cause for controversy partly because of three things, which must be determined in principle. First there is a question of the type of emoluments that should be paid to a member of parliament. Secondly, there is the question of how much should be paid and thirdly, who should determine it.

If we pass as a principle that the authority to determine the emoluments of the member of parliament is parliament, you will have resolved historical debates about who controls the power of the masses in the country and this has political implications. Madam Chairperson, this debate should be very clear. If you put the power of the masses into the hands of the Executive historically, the Executive could cripple parliament if parliament becomes cantankerous and this is historically correct.

Behind all these laws is the basic principle of the power of the masses. The moment this power is controlled by the Executive, it means that if parliament became difficult by whatever definition, it can be crippled by switching off the tap. *(Interruptions)*

THE DEPUTY CHAIRPERSON: Honourable Kamuntu, we have not disturbed the existing provision of the constitution. We are simply dealing with the pension.

PROF. KAMUNTU: Thank you very much. I respect your ruling, Madam Chairperson.

MR LWANGA: Thank you, Madam Chairperson. When I read Article 85, it says a member of parliament shall be paid 'such emoluments'. Now the word 'emoluments' is wide. It includes the

allowances we get, the pension and it can include so many other items and facilities as may be determined by parliament. It is therefore not necessary to use the word 'pension' here because if you do, it means that you have got to spell out all the other emoluments that we earn.

MR EKANYA: Madam Chairperson, you had called us to vote on this matter but we do not know what procedure to follow now that the matter is again open for debate. May I propose that you call members to put the question and we decide which way?

THE DEPUTY CHAIRPERSON: We have already put the question.

MR RUKUTANA: Madam Chairperson, I am rising on a matter of technical clarification. I know that it is a cardinal principal of accounting that a person cannot benefit from both gratuity and pension.

DR LYOMOKI: Madam Chairperson, as per international technical principles, gratuity is clearly different from pension and I am talking from a very experienced position. Is it in order therefore, for the honourable minister to mislead this House that you cannot benefit from both gratuity and pension when it is a very clear international labour principle? Which authority is the minister using to mislead the House? Is he in order?

THE DEPUTY CHAIRPERSON: Honourable members, I am not certain about whether one can have both gratuity and pension at the same time and from the same source. May I propose that hon. Wacha, the Minister of Justice, the chairperson and you Dr Lyomoki meet with the Minister of Finance to resolve that and then report to us?

MR WACHA: Madam Chairperson, there is no point in postponing this matter. This matter did not start today and I did not dream it up. You have been party to some high level discussions, Madam Chairperson, which accepted that this parliament should be given pension. You know it and that is why the Second Deputy Prime Minister was directed to take over my Bill, for which I got permission to present before this House, and he was told to present it himself as a Government Bill.

Therefore, I do not understand why this matter is causing so much controversy from the very people who have been involved in these discussions. Only one and a half weeks ago, the Second Deputy Prime Minister was before the Commission with his technical team and he took over the Bill. He asked for the possible amendments and wrote to me that he was going to present this Bill before the 16th of this month.

Madam Chairperson, what is causing all this controversy? Are we being taken for ride? Is that the indicator? Are we being told that we should pass this amendment Bill only for them to forget about pension? Is that the principle behind all this? It is not fair. We are simply not being fair. I move that you put the question. If we are defeated, then we will be defeated.

MR RUKUTANA: Madam Chairperson, may I volunteer this information. It is true that the Pensions Bill is being tabled before this House. I have looked at the Bill and when you look it, its contents are consistent with the statement I made that you cannot get both gratuity and pension. In that Bill, what used to be gratuity *–(Interruptions)–* is going to be a contribution towards pension. For that matter, may I propose an improvement on hon. Wacha's amendment.

Since I can see that the atmosphere is charged and this clause must be passed, may I propose an amendment that we say, "A member of parliament shall be paid such emoluments and such

gratuity or pension as shall be provided”, that will be consistent. We can say “or pension” or we can say “such gratuity and /or pension” (*Interruptions*)

MR NTACYOTUGIRA: Madam Chairperson, I retired from Public Service and got gratuity and now I am getting pension. So one can get both pension and gratuity.

THE DEPUTY CHAIRPERSON: Honourable member, are you still getting both gratuity and pension?

MR NTACYOTUGIRA: Yes. You see gratuity can be paid in any way you want. It can be paid as a lumpsum or computed. Either way you can get both, Madam Speaker.

MR KAKOOZA: I would like to give this information depending on the Income Tax law, which was passed by the 6th Parliament. When you check our pay slips, we get gratuity, which is spread all over the year. It is given to us monthly and it is accumulative as you continue to be employed by the institution. As regards pensions, which are lacking in parliament, they should have been granted. When you check the meaning of the word ‘pension’ in this book in section 20(3)(b) it gives a person who is employed by an institution gratuity and pension under salary wages.

THE DEPUTY CHAIRPERSON: Let us vote.

MR RUKUTANA: Madam Speaker and honourable members, let me make this earnest proposal. Since this matter is technical, I do not have any intentions of stifling the intention of honourable members to get the pension. What I want us to do is something that we all know clearly. Can I make a proposal that we stand over this Article? We need to look at accounting procedures and see whether they are fit and internationally accepted. This is because I have read and I have precedents to show that it is irregular and double accounting for anybody to (*Interruption*)

THE DEPUTY CHAIRPERSON: Honourable minister, we are just setting principles in the constitution. There will be laws to activate this part of the constitution. Can’t we put those conditions there?

MR RUKUTANA: Madam Chairperson, can we go with my amendment and say gratuity or pension?

MRS MUKWAYA: Madam Chairperson, I am a member of parliament representing Mukono South. I would not want my constituency to misunderstand the decision –(*Interjections*)- allow me to say (*Interruption*)

THE DEPUTY CHAIRPERSON: Order, members.

MRS MUKWAYA: I do not want my constituency to misunderstand the legal decision that I am about to accept. I am pleading with the House that one night will not make us lose what we want. Let us stay over this matter and demand from the Minister of Finance, the Attorney General and the committee to report first thing in the morning. Madam Chairperson, I appeal to you.

MR MWANDHA: Madam Chairperson, we have heard testimony from an honourable member of parliament who worked in the Public Service and retired. He has told the House that he got his gratuity and he is now getting his pension. We know very well that gratuity is paid during or soon after the end of your service while pension is paid when you have actually left the service.

What we are trying to do here is to entrench this principle in the constitution so that future parliamentarians will have a basis for actually taking decisions on their pensions.

Is it in order, therefore, for the honourable member not to take into account the testimony given by another member, who is also affected? Is she doubting the integrity of the honourable member, who has given his testimony?

THE DEPUTY CHAIRPERSON: Honourable members, I do not think that anybody will apply this provision directly from the constitution. We are going to make subsidiary laws to activate this part of the constitution. So why don't we put those conditions in that law?

(Question put.)

(The Members voted by a show of hands.)

THE DEPUTY CHAIRPERSON: Honourable members, we have three abstentions, 31 against, 107 in favour.

(Question agreed to.)

MR NASASIRA: Madam Chairperson, I seek clarification on the procedure. Now that we have finished voting on the amendment are we going to vote on the clause?

THE DEPUTY CHAIRPERSON: Yes.

MR NASASIRA: The interesting thing about this constitution is that when the majority votes on the amendment, it is carried on but when we reach the position of amending the constitution, we are left in a very tight corner. I imagine that the Cabinet's vote was to express a protest that they were not given time to go and consult each other *–(Interjections)–* on the procedure. We need to listen to each other if we are going to form a democratic society.

This is because when Cabinet presents something and we fail to make a decision on it, they would prefer to go back and discuss the matter, especially those of a financial nature. Since the House did not give us the time we had requested to go back and sleep on it, but instead you have gone ahead and voted, you have put us in a very difficult situation. Do you realize the situation you have put us in regarding the process? You have not left us any alternative. I just wanted a clarification on this procedure.

THE DEPUTY CHAIRPERSON: Honourable members, what I can say is that we should not start a precedent where if one group has lost, they say, "Let us not move but go back and consult." This means that each group that loses in this House will want time to go and consult. *(Applause)* What I propose honourable members, is that you can recommit within our rules. If the Cabinet is not satisfied, go back and think about it and at the next stage you can recommit. That is in our Rules of Procedure. Honourable members, there is no problem. We deleted the proposed amendment and went back to the original, on which the honourable member moved an amendment and we agreed.

MR OULANYAH: Madam Chairperson, I think we have to be clear on the procedure we are going through. We just voted to delete Clause 28, so Clause 28 stands deleted and therefore, we cannot vote on it as amended if we are to do this correctly. This is because hon. Wacha's

amendment is now amending an existing Article of the constitution, that is Article 93 but not as Clause 28.

THE DEPUTY CHAIRPERSON: No, we are amending the one in the Constitution because the amendment was deleted. *(Interruption)*

MR OULANYAH: The question was put about Clause 28 as amended. That is why I am *(Interruption)*

THE DEPUTY CHAIRPERSON: We are voting on the original question of the Constitution and on hon. Wacha's amendment, which amendment we have already agreed upon.

MR MWESIGE: Madam Speaker, I think it would be neater, for purposes of having a proper record, if hon. Wacha formerly moves his amendment and we vote on it. This is because his amendment has the effect of amending Article 85. I agree with hon. Oulanyah that Article 28 has been formerly deleted so nothing can amend it now as it is not there. I suggest that hon. Wacha moves his amendment formerly and we vote on it by role call in a formal way for purposes of having a proper record. I appeal, Madam Chairperson.

MR WACHA: Madam Chairperson, I was listening very carefully and the first vote was to delete Clause 28. After it was deleted, I moved an amendment in respect to Article 85(1) and inserted the words 'pension' after 'gratuity' and that is what we are voting on.

THE DEPUTY CHAIRPERSON: Precisely. Honourable members *-(Interruption)*

MR RUKUTANA: Look, I am not disputing what the House has done, but we must do everything properly and legally. In this exercise, we have to go according to this Bill. We are either passing, amending or rejecting provisions of this Bill. My question is on what Article of this Bill is hon. Wacha's amendment? He should amend to insert his own Article in this Bill, which he has not done.

MR WACHA: Madam Chairperson, for your information, Clause 28 deals with Article 85 of the constitution. I do not know what is bothering some of my colleagues and I really do not understand. If this clause was going to amend, improve on or delete Article 85, what would stop me from going ahead and amending that same Article with another amendment?

MR RUKUTANA: But Madam Chairperson, we have a Bill before us and we cannot go outside this Bill *-(Interjection)-* yes, anybody with an amendment must bring it within this Bill. You cannot jump to the constitution and leave the Bill alone.

THE DEPUTY CHAIRPERSON: We are amending the constitution.

MR RUKUTANA: Madam Speaker, if I may seek guidance, what clause of the Bill have we amended by hon. Wacha's amendment?

MR MWESIGE: Madam Chairperson, it is possible to amend Article 85, but it cannot be amended by amending Clause 28, which has been deleted. I propose and if hon. Wacha accepts, that he moves a formal amendment which would be called *-(Interruptions)-* I am just giving you my view. I think we should do things properly. He should move an amendment which would be called, 85(a) to introduce the amendment that he seeks. He should move it formally, on the Floor of the House and we vote on it formally in accordance with the rules, that is by roll call.

THE DEPUTY CHAIRPERSON: Honourable minister, the existing Article with the exception of the three words put there, are subject to (93). That is the only thing that is different. The rest of that clause is the same, except for those three words, “subject to Article 93,” which we deleted and came back to the old position.

MR NASASIRA: Madam Chairperson, I want to appeal to hon. Wacha who is very clear and known for taking this parliament to court for not being procedural, to listen to us and be procedural. That is what we begged him to do earlier when I stood here. We are not against this pension, because the process is underway anyway.

Why don't you move your amendment formally? We have some members here who will be the same members to go to court and challenge this Parliament when it is not procedural. Clause 28 was voted on and deleted. Therefore, hon. Wacha needs to go back and write his amendment properly and then we can handle it. I do not know why we cannot listen to each other.

MS MUGERWA: Madam Chairperson, I am wondering whether Article 28 could be recommitted so that we amend Article 1. Could we recommit that and amend Article 1 as hon. Wacha is proposing?

THE DEPUTY CHAIRPERSON: Where is hon. Wacha?

MR RUHINDI: Madam Chairperson, I do not see the problem. We debated Clause 28 of the Bill which was substituting Clause 1 of Article 85. We deleted it and substituted it for the original which is in the constitution and for which an amendment has been added. Now, what is the problem? I move Madam Chairperson that you go ahead and put the question and we vote on this matter.

MR MWESIGE: Madam Chairperson, by deleting Clause 28, we have not voted to substitute. We have not substituted Clause 28 at all. By deleting Clause 28 as it is in the bill, the status quo in the constitution as it is in (85) remains. Now, hon. Wacha seeks to amend Article 85 as it is in the constitution. To do that, he has got to move a formal amendment to amend Article 85 of the constitution. If he wishes to amend Clause 28, which has already been deleted, he can only do so by way of recommitting. That is when we will be able to revisit the decision we have taken on Clause 28. Madam Chairperson, I beg that the proper procedure be followed, otherwise we are opening this very important constitutional process to challenge.

MR WACHA: Okay, thank you. I think we are just going round on the technicality issue. I hope that is the position Madam Chairperson, because I am simply doing this so that we can continue with the vote. Can we insert a new clause, 28 before Clause 29 so that it read as follows and I hope the clerk is taking it down, “ A member of parliament shall be paid such emoluments, gratuity and pension, and shall be provided with such facilities as maybe determined by parliament.”

MR RUKUTANA: Madam Chairperson, even that approach has a technical problem. The technical problem is that the procedure on amending the constitution is very clear. It is only by a Bill, which must go through the first reading, second reading and all the Articles -*(Interruption)*- let me get my point across. My colleague should have moved at the time we were considering Clause 28 of this Bill to amend that clause. Now he cannot legally bring a new matter on a substantive Article of the constitution and insert it in this Bill, because it will not have gone through the due process of the law that is laid down in the constitution.

MAJ. RWAMIRAMA: Madam Chairperson, I find it very intriguing that people who participated in the voting and lost twice are now turning around to say that actually the process they were participating in is wrong. How many amendments have we moved on this Floor, which amendments were not originally in the Bill? *(Applause)*

MR OKUPA: Madam Chairperson, the honourable Attorney General together with hon. Rukutana said that we were not following the procedure and asked hon. Wacha to do it, which he did. Is hon. Rukutana in order to come again and say that it needs a Bill? Is that not double standards?

MR MWONDHA: Madam Chairperson, unless the Attorney General says otherwise, the effect of his proposed Clause 28 was to open up Article 85 of the constitution. As long as Article 85 was opened by clause 28, it can be amended by any member of the House and by any proposal from the House. It is already open.

MS ERIYO: Madam Chairperson, I am sorry about the way this thing is going. I thought that if hon. Wacha moved his Motion before we voted, it must have been procedurally right – *(Interjection)* – he is now trying to correct it after we have voted and deleted this Clause.

MR MWESIGE: Madam Chairperson, in effect we declined to open Article 85 to amendment. That is the effect. We closed any possibility of opening Article 85 for amendment by deleting Clause 28. Wacha's current amendment - I wish we had occasion to read the *Hansard* - is still moving to amend Clause 28 and he has said so. This, in my view, is incompetent because Clause 28 has been formerly deleted from this Bill by this House. What I am saying is that if he wishes to move his amendment, he can only do so at recommitment.

MR OULANYAH: Madam Chairperson, Article 85 has been under review since the Constitutional Review Commission was created. It came in the Bills and introduced the Salaries and Remuneration's Board and that matter has been under review. Even when we were making decisions this afternoon, Article 85 was under review. The only technical problem was that the vehicle that should have carried it got lost in the vote that removed Clause 28.

Clause 28 has been deleted. I am going to propose an improvement on what hon. Wacha has just proposed and say that instead of calling it Clause 28, we move and introduce a new Clause 28(a) between the deleted Clause 28 and existing Clause 29. Let us introduce a new Clause, 28(a) to be the vehicle to carry the hon. Wacha's amendment.

MR WACHA: Madam Chairperson, I accept and I had actually written it down that way.

THE DEPUTY CHAIRPERSON: Honourable members, this is the formulation. Clause 28(a), "A member of parliament shall be paid such emoluments, gratuity, pensions and shall be provided with such facilities as may be determined by parliament".

DR LYOMOKI: Thank you Madam Chairperson. I think there is a problem in the formulation. In the original formulation of the Constitution, the last words are, 'as shall be determined' but you are saying 'as may', so you are deleting it.

THE DEPUTY CHAIRPERSON: What does the minister say?

MR MWESIGE: Madam Chairperson, I accept the amendment as moved. *(Applause)*

(Question put.)

AYES:

1. AACHILLA JOHN ROBERTS REX
2. AANIMU ANGUPALE
3. AHABWE PEREZ
4. AKAKI AYUMU JOVINO
5. AKECH OKULLO BETTY
6. AKWERO ODWONG JANE
7. ALASO ASIANUT ALICE
8. ALISEMERA BABIHA JANE
9. ALONGA OTHMAN HARUNA
10. AMAMA MBABAZI
11. AMONGIN APORU HELLEN CHRISTINE
12. AMURIAT OBOI PATRICK
13. ANANG-ODUR LAKANA TOMSON
14. ARUMADRI JOHN
15. ATENG OTIM
16. AWONGO AHMED
17. BABA DIRI
18. BABU EDWARD FRANCIS
19. BAGUMA ISOKE
20. BAKOKO BAKORU
21. BALEMEZI LYDIA
22. BANYENZAKI HENRY
23. BBUMBA SYDA
24. BESISIRA IGNATIUS
25. BITAMAZIRE NAMIREMBE
26. BITANGARO SAM
27. BULAMU JOHN
28. BYABAGAMBI JOHN
29. BYAMUKAMA DORA
30. BYANYIMA NATHAN
31. BYARUHANGA CHARLES
32. CHELANGAT KULANY GERTRUDE
33. DOMBO EMMANUEL
34. EKANYA GEOFFREY
35. EPETAIT FRANCIS
36. ERIYO JESSICA
37. GOLE NICHOLAS
38. GUMA GUMISIRIZA
39. HYUHA DOROTHY
40. KABAKUMBA LABWONI
41. KABAREEBE AMON-REEVES
42. KAFABUSA WERIKHE
43. KAJEKE WILFRED
44. KAJURA MUGANWA HENRY
45. KAKOKO SEBAGEREKA VICTORIA
46. KAKOOZA JAMES
47. KALULE SENGO EMMANUEL

48. KAMANDA BATALINGAYA
49. KAMUNTU EPHRAIM
50. KASAMBA MATHIAS
51. KASIRIVU ATWOOKI
52. KASULE LUMUMBA
53. KATONGOLE BADRU
54. KATURAMU HOOD KIRIBEDDA
55. KAWANGA JOHN BAPTIST
56. KAWOYA BANGIRANA ANIFA
57. KAYIZZI ASANASIO
58. KIBIRIGE SEBUNYA ISRAEL
59. KIDEGA DANIEL
60. KIGYAGI ARIMPA
61. KINOBE JAMES
62. KITHENDE KALIBOGHA
63. KIWAGAMA WILLIAM
64. KIWALABYE MUSOKE DANIEL
65. KIWANDA GODFREY
66. KOLUO CHARLES PETER
67. KUBEKETERYA JAMES
68. KULE MURANGA JOSEPH
69. LOCHIAM MILIGAN ROSE
70. LULE MAWIYA UMAR
71. MAATE ROGERS
72. MALINGA JOHNSON
73. MALLINGA STEPHEN OSCAR
74. MASIKO KOMUHANGI WINFRED
75. MATOVU BYATIKE
76. MATOVU DAVID
77. MAYENDE SIMON
78. MBALIBULHA TABAN
79. MEHANGYE IDAH
80. MIGEREKO DAUDI
81. MINDRA JOYO EUGENIA
82. MUGAMBE JOSEPH
83. MUGERWA NAMAGGWA SAUDA
84. MUHWEZI KATUGUGU JIM
85. MUKABERA ANNETTE
86. MUKASA MURULI WILSON
87. MUKIIBI BENIGNA
88. MUKULA RICHARD
89. MUKWAYA BALUNZI JANAT
90. MULENGANI BERNARD
91. MUNYIRA WABWIRE OMUSOLO
92. MUTULUUZA PETER CLAVERI
93. MWAKA NAKIBONEKA VICTORIA
94. MWANDHA JAMES ELIEZER
95. MWESIGE ADOLF
96. MWESIGYE RUHINDI HOPE
97. MWONDHA PATRICK
98. NACHA LORIKA ROSE

99. NAMUYANGU JENIPHER
100. NASASIRA JOHN
101. NDUHUURA RICHARD
102. NKUUHE JOHNSON
103. NSABA BUTURO JAMES
104. NSUBUGA WILLIAM
105. OBBO HENRY JOSEPH
106. ODONGA OTTO
107. ODONGO JEJE
108. OGENGA LATIGO MORRIS
109. OGOLA AKISOFERI MICHAEL
110. OGWEL LOOTE SAMMY
111. OJOK B'LEO
112. OKOT OGONG FELIX
113. OKULO EPAK YEFUSA
114. OKUPA ELIJAH
115. OKURUT KAROORO MARY
116. OMACH MANDIR JACHAN FRED
117. OPANGE LOUIS
118. ORECH DAVID MARTIN
119. OULANYAH JACOB
120. OWORI AMOOTI OTADA
121. RUHINDI FREDDIE
122. RUTAMWEBWA MUGYENYI MARY
123. RWAKIMARI BEATRICE
124. RWAMIRAMA KANYONTOLE BRIGHT
125. SEBAGGALA LATIF
126. SEBALU MIKE KENNEDY
127. SSEKIKUBO THEODORE
128. SENTONGO NABULYA TEOPISTA
129. TIBARIMBASA AVITUS
130. TUBBO NAKWANG CHRISTINE
131. TUBWITA BAGAYA GRACE
132. TUMA RUTH
133. TUMWESIGYE ELIODA
134. WABUDEYA MUKAYE BEATRICE
135. WACHA BEN
136. WAGONDA MUGULI JOHN WILSON
137. WAKIKONA WANDENDEYA DAVID
138. WAMBUZI GAGAWALA NELSON
139. WONEKA OLIVER
140. WOPUWA GEORGE WILLIAM
141. YIGA ANTHONY
142. ZZIWA MARGARET NANTONGO

NOES:

1. KIZIGE MOSES
2. WANDERA MARTIN

ABSTENTIONS:

1. MADADA KYEBAKOZE SULAIMAN
2. RUKUTANA MWESIGWA

THE DEPUTY CHAIRPERSON: Honourable members, this is the outcome of the vote: two abstentions, two nays and 142 ayes.

(Question put and agreed to.)

MOTION FOR THE HOUSE TO RESUME

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Mwesige Adolf): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports there to.

THE DEPUTY CHAIRPERSON: I put the question that the House do resume and the Committee of the whole House do report thereto.

(Question put and agreed to.)

(The House resumed, the Deputy Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr. Adolf Mwesige): Madam Speaker, I beg to report that the Committee of the Whole House stood over Clause 24, adopted Clause 25 with amendment, stood over Clause 26, adopted Clause 27 with amendments, deleted Clause 28 and introduced Clause 28(a). Madam Speaker, I beg to report.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

THE MINISTER OF STATE FOR JUSTICE AND CONSTITUTIONAL AFFAIRS (Mr Adolf Mwesige): Madam Speaker, I beg to move that the report of the Committee of the Whole House be adopted.

(Question put and agreed to.)

MAJ. RWAMIRAMA: Madam Speaker, since we started the constitution amendment, whatever goes in this House is viewed by almost 75 percent of the country *-(Interruption)*

THE DEPUTY SPEAKER: Let him tell us his problem.

MAJ. RWAMIRAMA: Madam Speaker, if a member persistently behaves in a manner that requires a Minister of Health to intervene, how should we proceed?

THE DEPUTY SPEAKER: I think you may invite the Speaker to take notice and the Speaker will then take action. Honourable members, I want to thank you very much for the constructive work you have done and the many ideas you have brought forth. The House is adjourned to 10.00 O'clock in the morning.

*(The House rose at 9.00 p.m. and
adjourned to Friday, 8 July 2005 at 10.00 a.m.)*